

**“A Frisky, Tiresome Colt?”**  
**Sir William Joynson-Hicks, the Home Office and**  
**the “Roaring Twenties”**  
**1924-1929**

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## **Summary.**

The late 1920s saw a major cultural clash between the standards of the *avant-garde* of the postwar generation, and the earlier morality of a largely elderly political, administrative and judicial elite. This has traditionally been portrayed as a fight between an out-of-touch minority trying to defend the discredited values of an older world against the new, improved culture of a different age. Particular criticism has been reserved for William Joynson-Hicks, Home Secretary for the period 1924-1929, a Puritanical Diehard Unionist who was accused of trying to impose his own morality on everyone else by police action.

This thesis explores various aspects of the policing of morals – censorship of theatre, literature and film, and the efforts to enforce regulations on out-of-hours drinking and the taking of drugs, to discern whether there was a consistent pattern of censorship, and crucially, how far Joynson-Hicks himself was involved. It also examines two major police scandals that occurred in 1928 in cases linked with these enforcement campaigns, and assesses how far pressure from the top was to blame for their occurrence.

The evidence assembled calls into question some long-held assumptions – namely that Joynson-Hicks was a puritanical zealot who personally fought almost alone to enforce his standards through the law, and more importantly, how far the belief he was without popular support in his stance, or made Britain uniquely an island of reaction in a world giving way to the new culture, is accurate. It underlines the role the Civil Service played in all of these matters, and suggests Joynson-Hicks could be more pragmatic in his enforcement of the law than is popularly supposed. It ends with an attempt to explain why he earned his previous fearsome reputation, and asks whether the time is ripe for a reassessment of his career.

"Quite exactly where post-war gaiety ended and pre-war political awareness began it is impossible to say, but it could have been on that June morning in 1932 when Jix (William Joynson-Hicks) died. He had seen the post-Armistice world as a frisky, tiresome colt which had only to be bridled and blinkered before it could be led back to a respectable stable. He had no humility and too much to say."

**Ronald Blythe, *The Age of Illusion*.**

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**List of abbreviations used to denote archives in the footnotes.**

NA	The National Archives, Kew, London
BL	The British Library, Euston Road, London

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**Frontispiece:** William Joynson-Hicks as a policeman throws various writers including D. H. Lawrence, James Joyce, George Bernard Shaw, Aldous Huxley and a “frank” woman novelist out of Hyde Park while Austen and Dickens look on in horror. It is noted that each is accompanied by “his literary inspiration,” to which Lawrence has added, by hand “except me, so I suppose I’ve got none!” Cartoon by David Low, *Evening Standard*, 26th February 1929, this version in Boulton, James T., et. al. (eds.) *The Letters of D. H. Lawrence Volume 7: 1928-1930* (Cambridge 1993)

**The Background:** Joynson-Hicks informs the House of Commons, in reply to a question from William Wedgwood Benn (father of Tony Benn, later Viscount Stansgate) that “he certainly was not going to take the opinion of the House before exercising the powers conferred on him by the Emergency Act.” *Punch* cartoon, 23rd June 1926.

**Creative and Artistic Culture:** Joynson-Hicks “fights” with a writer who tells him “hands off” literature, and points a fountain-pen at the Home Secretary in threatening fashion while a scantily-clad woman sitting on a much older man’s shoulders looks on. Cartoon by Beresford Egan, in P. R. Stephenson and Beresford Egan, *Policeman of the Lord: A Political Satire* (London 1929).

**Low Culture and High Living:** a female dancer in a nightclub raises a glass of champagne in a cheeky act of defiance to the advancing Joynson-Hicks, who raises his hands in horror. Cartoon by Beresford Egan, in P. R. Stephenson and Beresford Egan, *Policeman of the Lord: A Political Satire* (London 1929).

## **Acknowledgements.**

After three years of work on this topic, there are a great many people to whom I owe special thanks. Professor W. D. Rubinstein agreed to let me continue my studies under him after my MA, gave me the original idea for this thesis and helped me to work on the detailed plan of it, and was always extremely efficient in returning work to me rapidly whenever he received it, always adorned with shrewd points and suggestions, without which completion of this work on time and within the word limit would have been extremely difficult, if not impossible. Dr. Richard Coopey was also very helpful and approachable as a second supervisor, and his own research on the rave culture of the 1960s also threw some interesting sidelights on this topic, especially chapter 7. Various members of staff in the Department of History and Welsh History also volunteered information of great value at crucial times – particular mention should be made of Richard Rathbone and Angela John, the Emeritus Professors, who were always supportive and were tireless in their efforts to help all the postgraduates, giving invaluable feedback on papers, suggestions on further reading and offering sage advice from their experience which I and many others benefited from.

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from time to time, and always did so with good grace. Among my fellow students, thanks are due especially to Stephanie Ward, an inspiration to the rest of us and the founder of the popular Postgraduate Research Seminar Programme, who generously allowed me many slots in which to test this thesis, invaluable for the airing of ideas to get feedback or suggestions. Owen Collins was the source of much useful information and a man whose unfailing wit could lift the lowest spirits. Simon Dunbar, my housemate for two years, who analysed the casualty figures of the Jallianwala Bagh (Amritsar) massacre for me to come up with an estimate of the dead and wounded used in chapter 2 and offered much useful technical support over computing issues I did not understand. Another student who deserves special mention is Daniel Gray of Roehampton University, who led me to several sources on Brilliant Chang without which much of chapter 7 simply could not have been written, or would have been at best groping in the dark on the basis of the few pieces of information I had.

Much of this work – indeed, a great majority of it – was written in light of sources held in the National Archives at Kew. I am grateful to those staff, archival and security, who assisted me during my frequent visits, and who were never less than courteous and helpful. Dr. Matthew Stevens of the IHR proved a good friend at need, whose hospitality enabled me to avoid the seemingly endless merry-go-round of bed and breakfast accommodation I had endured before. The staff of the British Library in Euston Road were similarly courteous despite the difficulties they encountered (chapter 3). The staff of the National Portrait Gallery, in St. Martin's Place, London, were remarkably efficient, providing many of the illustrations that adorn this thesis in rapid time and also clarifying the copyright rules that applied to them with a speed that went far beyond the call of duty. David Fagg, of the Department of History and Welsh History, was kind enough to unearth several *Punch* cartoons of Joynson-Hicks that provided much amusement, as well as a further rich source of illustrations. The National Library of Wales and the Hugh Owen Library were the source of nearly all the books and articles that could be desired. An example of true generosity and devotion to duty was given by to Dr. Marianne Dacy, of the Australian Journal of Jewish Studies, who very kindly sent me copies of the articles that constitute the major debate on the anti-Semitism or otherwise of



Joynson-Hicks in chapter 2 all the way from Sydney by air mail completely free of charge.

Thanks are also due to those who had no direct input on this thesis. The congregation and choir of Holy Trinity Church, Aberystwyth tolerated the absences and preoccupation of their choirmaster (and the resultant wrong notes on the organ due to a lack of practice) with great good humour, and were a source of constant moral support in good times and bad, as well as insisting on paying me a wage that formed a welcome chunk of my income from their own by no means plentiful resources. Individuals who deserve particular mention include the Aveson family, Ian, Judith and John, always good friends, Tessa Briggs and Brian Stamps, my deputies as choirmaster at one time or another, and Jacqueline Harvey and Vera Morris, who assisted nobly in filling gaps on the organ rota towards the end of my three years as a PhD student. Borth Golf Club were good enough to let me work extremely flexible hours as barman to fit in with my studies, another valuable source of funds, and the Department of History and Welsh History, University of Wales Aberystwyth also found employment for me, as an examination supervisor and later, as a seminar tutor, work valuable not only for its financial assistance but also for the experience of teaching it gave me.

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It is to their memory, with love and respect, that this thesis is dedicated.



## Introduction.

“He [Joynson-Hicks] saw the 1920s as a frisky, tiresome colt that needed only to be saddled and bridled before it could be led back to a respectable stable. He had no humility and too much to say.”

Ronald Blythe, *The Age of Illusion*.<sup>1</sup>

This is a study of manners and morals in Britain in the 1920s, especially in London. It tells the story of a generation recovering from the deadliest war ever fought up to that time pushing moral boundaries, and a generation who grew up long before the war struggling to cope with them. Most importantly, it explores the reasons behind various flashpoints that arose in the course of the decade, from what has typically been regarded as the “wrong” side – the side of the government and of the “reactionary” elements that were trying to impose their own standards upon this new generation.

It is also, despite the apparent paradox, very largely the story of one man, the man in the title. William Joynson-Hicks, long-serving and controversial Home Secretary between 1924 and 1929, became something of a hate figure for the standard bearers of new culture.<sup>2</sup> He was a personal Puritan, a lifelong teetotaller, an Evangelical Christian (within the Anglican church) noted for his wild flights of rhetoric and Victorian attire – a Victorianism that has been extended to include his attitude towards the hedonistic *zeitgeist* of the 1920s. A very large part of this thesis is devoted to examining his role in the course of events, and to considering whether the storm of criticism that burst over him was justified, either wholly or in part.

The structure of this thesis is simple, dividing neatly into chapters on a series of mini-topics. Individual topics are discussed in the chapters below (there are eight of them). For ease of reading, the thesis is further divided into

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<sup>1</sup> Ronald Blythe, *The Age of Illusion: England in the Twenties and Thirties 1918-1940* (London 1963, 2001) p. 42

<sup>2</sup> Joynson-Hicks was usually referred to as “Jix” for short, by press, public and colleagues. However, I have preferred to call him by his full name except where I am quoting directly from an original source that uses it (for example, his official biography by H. A. Taylor, *Jix: Viscount Brentford* (London 1933)).

three parts. The first part consists of two chapters, containing background information. The first chapter offers a short overview of the 1920s through the literature on the decade, as it has changed and evolved over the decades, but concentrating particularly on recent cultural studies in the fields of politics, religion and society in the 1920s. The second chapter offers a detailed overview of Joynson-Hicks' own career. This was necessary because there are only three detailed studies of him available. One, his official biography by H. A. Taylor, was written very shortly after he died seventy-six years ago, and therefore lacks the broader historical perspective on his own times that would have made it into a truly definitive account. A second, by Ronald Blythe in his book *The Age of Illusion*, would not have rated even a mention had there been a more substantial scholarly literature on the subject, apart from one extremely important insight which is discussed in the conclusion. It amounts to a scurrilous and sometimes wildly inaccurate character assassination, as part of its overall aim of portraying interwar Britain as a society living in denial of its problems and the outside threats it faced. A third – by the far the best of the three – was written by Jonathan Hopkins. However, his excellent MPhil thesis (for which he had, uniquely, access to Joynson-Hicks' personal papers) is only available at the University of Westminster Regent's Park Campus library. This is something of a loss to scholarship, because Hopkins' shrewd work, while comparatively short, offered a balanced perspective and several crucial insights – particularly on the question of women's suffrage and Joynson-Hicks' role in getting women the vote (something so at odds with his reputation as a Diehard Tory that a myth has grown up, fostered by Churchill, that he became the champion of women's suffrage due to an absent-minded commitment given to the House of Commons) which is where Hopkins' real interest in the subject lay.<sup>3</sup> Drawing on these, and a variety of other biographies and sources, I have endeavoured to summarise Joynson-Hicks' career and present a skeleton of the facts that are not in dispute.

The second part concerns censorship in literature; plays, novels, poetry and film. It also briefly discusses censorship of art due to the crossover of one of the personalities involved (D. H. Lawrence was both a writer and an

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<sup>3</sup> Jonathon M. Hopkins, "Paradoxes personified: Sir William Joynson-Hicks, Viscount Brentford and the conflict between change and stability in British society in the 1920s," University of Westminster MPhil thesis (1996)



exhibited painter). The first chapter of this part (chapter three) deals with theatre censorship. This topic has already been written on extensively by, among others, John Johnston (a former censor) Steve Nicholson (a former actor, now an academic) and Nicholas de Jongh (a theatre critic). However, the theatre censorship system was the only formal, government-sponsored system of censorship operating in Britain at this time. It was also frequently used as a reference-point for what was and was not acceptable in the cultural sphere, and was also used as a model for an unofficial system of film censorship set up in 1912 and granted quasi-formal status after the First World War. Understanding the mechanics and nuances of the system is thus essential for understanding of the mindset of those who acted as censors in any capacity in Britain. I have also utilised several other sources – including Home Office papers at the National Archives – to elaborate on the relationship between the Home Office and the Lord Chamberlain (the official censor) and particularly that between Joynson-Hicks and the Lord Chamberlain during his tenure, the Earl of Cromer.

Chapter four deals with the censorship of books in the 1920s. This was perhaps the thorniest and most controversial area covered in this thesis, and as such has also had a substantial literature produced on it, of varying scale and quality. This chapter concentrates heavily on the case of *The Well of Loneliness*, a book about lesbian relationships, which was ordered to be destroyed by a Bow Street Magistrate in a storm of publicity after a long campaign that left the reputation of the book's publisher in tatters and saw the Home Office take the law on obscene literature right to its limits. There is a substantial file on the subject at the National Archives, released to Diana Souhami for her biography of the author (Radclyffe Hall). However, this chapter also deals with the troubles D. H. Lawrence had over a book of crude poems called *Pansies* and over a series of paintings that a friend of his exhibited (against Lawrence's own better judgement). Regrettably, due to the destruction of the relevant files, it has not been possible to look in detail at two other potentially interesting cases of suppression; *Sleeveless Errand*, a novel by Norah James about decadent youths which was banned for containing a lot of swearing, and Lawrence's last novel, *Lady Chatterley's Lover*, thirty years later the subject of a famous ruling under a new Obscene Publications Act. This chapter also examines continuity of policy



on this subject under Joynson-Hicks' successor, former Labour leader J. R. Clynes.

Chapter five deals with the subject of film censorship in Britain, which faced difficult times over these five years, especially over the introduction of sound. It traces the introduction of the system of censorship – which, unlike the Lord Chamberlain's office which it consciously, even conscientiously copied, was entirely voluntary and could not be enforced by legal sanction – its gradual acceptance and the formation of a system that survives with remarkably few modifications right down to the time of writing. It traces the role of the Home Office in this process, and its own reaction to a system of censorship nominally outside its control but in practice very anxious to please those in authority. It also considers why the Home Office was at no point proactive in the 1920s in trying to force the British Board of Film Censors (BBFC) under its control.<sup>4</sup> It discusses the censorship of Russian propaganda films more than films over which moral questions were raised, largely due to the fact that in the latter area the Home Office was content to leave most of the enforcement to the BBFC, while in the former area it took an active interest.

The third part moves from high culture to what might be considered lifestyle or "low" culture – in this case, nightclubs and drug-taking. Chapter six discusses nightclubs, against which Joynson-Hicks waged a relentless campaign in his period in office without the slightest regard for the fact that the nightclubs of London's West End were frequented by the wealthy and powerful (which, given the very high prices nightclubs charged, was not surprising). They had emerged as an unanticipated by-product of the Defence of the Realm Acts (D.O.R.A.) of the First World War, which restricted opening hours for premises licensed to sell alcohol, and were thus a new problem in the 1920s. Finding secondary sources of any merit at all on this subject was difficult, and from that point of view the chapter breaks new ground by looking in detail at the attitude

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<sup>4</sup> There had been a previous attempt to do so in 1916, which foundered upon the logistical difficulties of either getting legislation in wartime or proceeding without it when each individual local authority would have to be persuaded to waive their statutory powers on the subject. The argument was rendered academic when the Home Secretary sponsoring the bill (Herbert Samuel) left office on the fall of Asquith and it was shelved by his successor. See below pp. 154-155.



of the Home Office (and, particularly, the Home Secretary) towards them and the lengths to which they were obliged to go in order to gain the necessary evidence for a prosecution of the nightclubs under the relevant legislation (which actually remained a modified form of D.O.R.A.).

Chapter seven covers much the same ground as chapter six, concentrating on drug law rather than drink law. This was also an unintended side-effect of D.O.R.A., and one which was only pursued briefly in the 1920s before a less punitive approach to enforcement, concentrating on treatment of the addict rather than punishment, was adopted. There is an extensive literature on this, led by Virginia Berridge's substantial oeuvre, and accompanied by the work of (among others) Marek Kohn. However, the role of the Home Secretary is of interest, and has not been covered in any depth, most previous studies choosing instead to focus on role of the civil servant charged with monitoring drug use, Malcolm Delevingne. This is partly because, as I shall explain, Joynson-Hicks took virtually no interest in this area, calling into question at least part of his image as a censor of all morals.

Chapter eight breaks from this mould of moral policing to look instead at the impact of policing morals on the police themselves. It concentrates heavily on two major scandals. The first, in 1928, involved the inappropriate interrogation of a young girl, Irene Savidge, by two male officers after she had been arrested along with an older man and former Liberal minister (Sir Leo Chiozza Money) in Hyde Park on a charge of offending against public decency (specifically, committing a sex act). The resultant outcry against the police led to a major public inquiry which entered a majority and minority reports – the majority report dismissing the allegations against the police but recommending minor changes, the minority report upholding the complaint and recommending major procedural changes. The second scandal, also in 1928, concerned the activities of Sergeant George Goddard, who was found to have taken substantial bribes from nightclub owners in order either to block police raids against them or to tip them off when raids were about to occur. The scandals were linked in the press and in Parliament with Joynson-Hicks, specifically his Puritanical zeal to clean up London, and nearly forced his resignation. They are therefore an interesting and useful addition to this thesis, while not strictly speaking part of the main argument.



The conclusion draws all of this together and analyses it. It also sets the social campaigns of the 1920s in their broader context – both against other, similar campaigns by other Home Secretaries and across national boundaries, drawing comparisons with America, France and Weimar Germany. It also attempts to explain why particular opprobrium has been reserved for Joynson-Hicks, disallowing the conventional explanation that he was a tyrannical lunatic who launched a unique reign of terror in London as inconsistent with the evidence, and offering instead a more plausible explanation which covers all the points raised in this thesis.

It will be noted from the above that there are gaps in this point of comparison. Ideally, this thesis would also have discussed three further aspects of moral policing; visual arts, the enforcement of the Sexual Offences Act, and prostitution. There are however good reasons why they are not covered. The first is that of sheer space. In order to do any sort of justice to the topics covered, it was necessary to write upwards of 10,000 words on each. Allowing for a further 30,000 words to be written on Joynson-Hicks, and to cover an introduction and conclusion, that left at most seven (rather six, to be on the safe side) topics that could be covered. I selected the six in this thesis as the ones which were either new phenomena in the 1920s (nightclubs/drug regulations/film censorship) or showed the strongest links to Joynson-Hicks personally (literature, nightclubs again, the police) or were indispensable to a study of this sort because they offered the only formal point of comparison to something else (theatre).

Individually, there were also strong arguments against including these three topics. The first is the extent of other literature readily available on two of them. Matt Houlbrook's immense recent work *Queer London: Perils and Pleasures in the Sexual Metropolis 1918-1957* (Chicago 2005) offers an accessible, cogent and extremely thorough dissection of both the homosexual underworld in London in this period (and long after) as well as offering a similarly lucid account of the police efforts to suppress it.<sup>5</sup> To duplicate this work, when space was already at a premium, seemed to be rather pointless. As far as prostitution goes, some aspects of it are any case covered by the chapter

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<sup>5</sup> I am grateful to Dr. Bjorn Weiler for drawing my attention to this book.

on the Savidge inquiry. For the rest, Stefan Slater is currently working on a thesis about the policing of prostitution in interwar Soho at Royal Holloway's Bedford Centre for Women's History, and again it seemed unnecessary to duplicate his work. While both these arguments could have been made with justice for theatre or film censorship, or even literary censorship, nobody has considered in depth the role of the Home Secretary in the last two, while the first is necessary in order to discuss them with any sort of perspective. The last three therefore hung together as a unit, while the first two, despite the obvious attractions of including them, were not central to this particular thesis.

As far as visual art (by which I mean painting, sculpture or photography) is concerned, I would have liked to put it in. There were many important developments in art in this period, led by the great sculptor Jacob Epstein (who was also a painter) which challenged pre-war moral standards in art in much the same way as *The Well of Loneliness* did in literature. However, while my grandmother came from a family of famous painters, I am not particularly artistic and instead have a background much more heavily graded towards literature, which includes novels, theatre and film.<sup>6</sup> I therefore decided to stick with what I knew best, which also had the merit of saving time that I would have had to spend familiarising myself with the artwork of the 1920s and the contextual works from before and after.

This thesis fills a gap in the current literature. The nearest equivalent would be the comparatively modest work by Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office 1870-1914* (Oxford 1994). It covers essentially the same ground as this thesis, although concentrating more on "low" culture (drunkenness, prostitution and gambling in particular) than on the "higher" culture. However, it stops in 1914 under the apparent impression that after the First World War the dominant class morality of the pre-war years (the entire book offers a heavily class-based analysis of moral policing, based on John Stuart Mill's theories in *On Liberty*) was defeated and everything changed. However, this thesis calls that idea into question, which on its own suggests that such a study is long overdue.

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<sup>6</sup> Reuben Chappell, the famous maritime artist, was a distant cousin of mine. I have inherited artworks by him, his son Edward and his niece Miriam, but not his talent for creating them.



A much more recent book by Donald Thomas, *Freedom's Frontier: Censorship in Modern Britain* (London 2007) is worthy of mention. Thomas provides a narrative history of censorship in Britain from the 1880s until 2005 (unusually for an academic book, starting at the end and telling much of the story in flashback). While an admirable and extremely well-written book, it suffers from two flaws – it only discusses written and spoken censorship, not the censoring of immoral behaviour, and it lacks a strong argument, if only because its structure more or less precludes a proper conclusion. While it is a valuable contribution to the debate on censorship of the printed word and free expression, this lack of a broader context causes it to atrophy slightly, because it never quite offers the reality of censorship as part of a wider culture of suppression.

There are a number of more specialised texts on the individual topics. To maintain the continuity of the topics, I have elected to study those at the start of the individual chapters. Each chapter therefore takes on the character of almost a small essay in its own right. However, there are cross-references included, and the conclusion draws together all these differing strands in order to set them in a wider context. However, one literature review has become a short chapter by itself. It sets out the boundaries of historical scholarship on the period this thesis focuses on, and it seems therefore to be an excellent place to start.

# PART ONE

## THE BACKGROUND



*P.C. Jicks (to Master Wedgwood Benn). "PASS ALONG THERE! AND DON'T YOU DARE TO INTERFERE WITH ME IN THE EXERCISE OF MY DUTY."*



## 1) “The Years that the Locust hath Eaten?” Britain in the 1920s.

“Sir Thomas Inskip, Minister for Co-Ordination of Defence, who was well versed in the Bible, used the expressive phrase about this dismal period, of which he was the heir: “The years that the locust hath eaten” – Joel, ii, 25”

Winston Churchill.<sup>1</sup>

This is a study of manners and morals in Britain in the 1920s, especially in London. It tells the story of a generation recovering from the deadliest war ever fought up to that time pushing moral boundaries, and a generation who grew up long before the war struggling to cope with them. Most importantly, it explores the reasons behind various flashpoints that arose in the course of the decade, from what has typically been regarded as the “wrong” side – the side of the government and of the “reactionary” elements that were trying to impose their own standards upon this new generation. It casts very strong doubt on the idea, put forward by among others A. P. Herbert, Beresford Egan, Ronald Blythe and Marek Kohn, that the tenure of Joynson-Hicks as Home Secretary in the 1920s marked the apogee of this repressive culture as a result of his personal influence. Although Joynson-Hicks clearly approved all the steps made, and was completely unafraid of taking further steps than usual if he thought he should, there is every reason to think that he was fully supported by the Police, Home Office, the Lord Chamberlain’s office, churches, elements of the press and also a constituency in the public (although again the size of it is open to doubt). The fact that this earlier argument has gone unchallenged for so long underlines the urgent need for a better understanding of how and why censorship of all forms operated in Britain in the 1920s. This chapter aims to sketch out the context of the 1920s in which Joynson-Hicks, the Home Office

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<sup>1</sup> In *The Second World War Volume I: The Gathering Storm* (London 1948) p. 52. While the phrase was used by both Inskip and Churchill to refer to the period 1931-1935, it has also been applied to the wider interwar years, by, for instance, William McElwee, *Britain’s Locust Years* (London 1962) dust jacket summary.



and their opponents operated, and also to study some of historical literature available on the period to examine where the thesis fits in current debates.

Although there is a vast literature on this period, it has not always been as conscientious in its chronicling as might be desired. For many years after the Second World War, the historiography was dominated by memories of high unemployment in the 1930s and the disastrous “Appeasement” policy (widely blamed as a factor in the outbreak of the war) lambasted so effectively above by the man who took charge of the war effort in 1940 after its discrediting, Winston Churchill. These twin features led to a widespread belief that the entire period between 1918 and 1940 was an era of failure, of setbacks and of mistakes – “locust years” or “the age of illusion.” The blame for these two major issues, especially the second, has been laid at the door of Neville Chamberlain, who was first Chancellor of the Exchequer from 1931 to 1937 and subsequently Prime Minister until replaced by Churchill in May of 1940. Kenneth O. Morgan commented that, while there was a period when a more sympathetic approach to Chamberlain in particular had been encouraged in the 1970s and 1980s, the recent trend was to confirm the initial verdict of such books as *Guilty Men* (1940) (partly written by Michael Foot, subsequently Labour party leader) that Appeasement was a series of “calamitous miscalculations.”<sup>2</sup> The policies adopted on unemployment have also come in for criticism – especially for the ignorance displayed by the government of the true effect of unemployment upon the unemployed.<sup>3</sup>

However, the 1920s were not the 1930s. In the 1920s, while unemployment was still a serious problem, it was not the same problem. The problems of the 1920s need to be examined in their own right – the Great Depression following the Wall Street Crash marking a near-epochal shift. That is not to deny the seriousness of the economic problems confronting the country in 1918. Britain had fought a major war, one that entailed a drastic restructuring of industry to produce munitions and other essential war materiel, a restructuring which would now need to be reversed, at a severe cost to those

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<sup>2</sup> Kenneth O. Morgan, *Michael Foot: a Life* (London 2007) p. 79

<sup>3</sup> For a recent (albeit restrained) example, see Roy Hattersley, *Borrowed Time: The Story of Britain between the Wars* (London 2007) chapter seven, esp. pp. 196-97



labourers in industries linked with war commodities – especially coal, iron and steel, the primary industries, but also chemicals, munitions and cotton production. More seriously, this war had also damaged key markets. France had suffered severe physical damage and an equally drastic economic restructuring. Germany, perhaps, had suffered still more economically. Throughout the 1920s unemployment figures, so low in the war and the pre-war years, hovered between one and two million.

This led to a consensus among historians for many years that there had been substantial failures in economic policy in the interwar period, and that had a more “Keynesian” policy of supply-side stimulation of demand been followed (as proposed by David Lloyd George in his 1928 book *We Can Conquer Unemployment*) much of the unemployment might have been assuaged.<sup>4</sup> This was a product of the tendency to read Britain’s economic performance backwards into the 1920s. In 1967 D. H. Aldcroft attacked the idea of Britain’s poor economic performance, commenting that many of the problems stemmed from Britain’s late development of newer industries to fill the gap left by the decline of its older ones, leading to the interwar years being a time of dislocation rather than decline.<sup>5</sup> This was a theme he developed and expanded in his later book *The British Economy Between the Wars* (1983) which began with the rather wry observation that “not so many years ago it would probably have been regarded as heresy to suggest that there was anything good to say about the period,”<sup>6</sup> before going on to commit precisely that heresy by discussing the importance of new industries in the economy and the overall growth of it despite a series of depressions. More recently there has been a tendency to revert to the notion of a long series of difficulties and failures in the economic situation. However, it is important to note that these refer to economic problems rather than political failures, as before. So, for instance, James Foreman-Peck identified the large amount of debt in British businesses in the 1920s that had

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<sup>4</sup> A full discussion of this consensus is available in D. H. Aldcroft, “Economic Progress in Britain in the 1920’s” [sic] *Scottish Journal of Political Economy* 13 (1966) pp. 297-316

<sup>5</sup> D. H. Aldcroft, “Economic Growth in Britain in the Inter-War Years: A Reassessment,” *The Economic History Review* (New Series) 20 (1967) pp. 311-326

<sup>6</sup> D. H. Aldcroft, *The British Economy Between the Wars* (Oxford 1983) p. 1



been used to fund their expansion in the First World War and the short boom that followed, debt which was held at a high rate of interest due to the difficulty of attracting investors from abroad making it difficult to service, as the key reason for heavy industry's struggles in this period.<sup>7</sup>

Socially, the war had cost almost three-quarters of a million men killed in Britain alone.<sup>8</sup> That stark figure was compounded by the many hundreds of thousands more who served in the armed forces and had been disabled or suffered shell-shock. On top of these woes, in 1919 the last major pandemic to date – influenza – had swept across the world. It proved far more deadly than the war, leaving fifteen million dead. It proved especially lethal to young men; among the 150,000 who died in England and Wales alone, many thousands were survivors of the trenches.<sup>9</sup> The war had also battered many traditional male bastions. Women, pressed into service in the industrial and agricultural sectors, proved remarkably difficult to dislodge, through a mixture of the low wages employers could force on them making them economically attractive workers and the efforts of the feminist sects that had inspired the suffrage movement. A large proportion of them, as a result of the Representation of the Peoples Act (1918) now had the vote, and in 1918 the Fenian Countess Markeiwicz, also

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<sup>7</sup> James Foreman-Peck, "The Debt constraint on British Economic Policy and Performance in the 1920s" in Michael J. Oliver (ed.) *Studies in Economic and Social History: Essays in Honour of Derek H. Aldcroft* (Aldershot 2002) pp. 101-118.

<sup>8</sup> A higher figure of one million dead is sometimes quoted, but that includes casualties from the Dominions and the Empire. While there is not a precise figure of dead available, partly due to this reason, partly due to the inadequacy of official records and partly due to occasionally conflicting reports issued for propaganda purposes, Jay Winter's figure of approximately 723,000 military deaths from the United Kingdom is likely to be fairly accurate. Jay Winter, *The Great War and the British People* (London 1985) pp. 68-72. This figure did not account for civilian casualties, including in the merchant navy, but was arrived at after substantial research and is generally accepted by authors on the topic. See Gerard J. DeGroot, *Blighty: British Society in the Era of the Great War* (Harlow 1996) pp. 272-273

<sup>9</sup> John Stevenson, *The Penguin Social History of Britain: British Society 1914-1945* (London 1990) p. 210. This is confirmed by Nevil Shute in his autobiography: "At that time there was a terrible epidemic of influenza ravaging the country...Deaths in the army became so numerous that my battalion was ordered to provide a permanent funeral party to tour round Kent with a gun carriage and a dozen specially drilled men to conduct military funerals." Nevil Shute, *Slide Rule: The Autobiography of an Engineer* (London 1954:1968) p. 34



known by her maiden name of Constance Gore-Booth, won a parliamentary seat in Ireland.<sup>10</sup> By 1928, they had gained a full franchise equal to that enjoyed by men: something that had not seemed likely in 1914.

Traditionally, it was assumed that the deaths among young men had hit the aristocracy hard. A patriarchal system depended upon plenty of sons among the aristocracy to continue the bloodlines and the estates, who were carefully groomed for their role through public schools and the elite universities. But an unusually high proportion of public schoolboys had enlisted: and an unusual proportion of them had been junior officers. These, in turn, had suffered unusually high casualties on account of leading charges across No Man's Land. The memorials of Cambridge, Oxford and Eton showed that approximately one in five of their alumni of military age had been killed, nearly double the average for all ranks and classes, which was 11%.<sup>11</sup> Such damage, the argument ran could not be without effect on the aristocracy. It was assumed that this accelerated an already noticeable decline in aristocratic power and wealth following the Lloyd George budgets and the McKenna tax increases to pay for the war, forcing the aristocracy to sell their holdings.<sup>12</sup> However, more recent work by Ross McKibbin suggests that in fact those aristocrats who did sell their land usually did so in order to get more profitable investments in place, and that the people who really suffered as a result of higher taxes and loss of sons were the rank below them – the country gentry and the middle-ranking manufacturers.<sup>13</sup>

At the same time, and in despite of this, the inter-war period was a time of unprecedented middle-class power. The decline in the upper-middle classes was offset by the increased relative wealth and importance of the level below them – the professional middle classes. The fact that, unlike the working classes

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<sup>10</sup> She refused to take her seat, leading to the oft-repeated legend that Lady Astor was the first female MP. Robert Graves and Alan Hodge, *The Long Weekend: A Social History of Great Britain 1918-1939* (London 1940; New York 1963) p. 20

<sup>11</sup> DeGroot pp. 273-275.

<sup>12</sup> For the traditional view, see Noreen Branson, *Britain in the Nineteen Twenties* (London 1975) pp. 91-92

<sup>13</sup> For the modern view, supporting the resilience of the aristocracy and the continuing importance of land to them, see Ross McKibbin, *Classes and Cultures: England 1918-1951* (Oxford 1998) pp. 21-22



they had stable employment in a time of economic uncertainty, and unlike the upper middle and upper classes they had stable incomes (albeit somewhat smaller even when this is allowed for) in a time of deflation, allowed them to gain a greater level of economic strength, which was translated into an increase in their political and social importance. McKibbin went so far as to refer to the period 1923 to 1938 (after which professional salaries remained static and manual wages soared) as a “kind of golden age” for this class. This was all the more ironic as this group, insofar as it was homogenous, did not always appreciate the strength of their position, tended to worry rather about how weak it might be after a difficult and turbulent five years after 1918 left mental scars that ran deep into the following years.<sup>14</sup> The tension between an uneasy and troubled working class, a decaying upper class and a powerful middle class was a constant backdrop to the 1920s. This is important to this thesis for two reasons. First of all, it was the class that Joynson-Hicks and many of the civil servants at the Home Office were drawn from. It was also this particular class that was most closely aligned with the Christian Evangelist tradition, and was most likely to be censorious in matters of morality and behaviour. Their increased influence was, it will be argued, an important factor in the culture of censorship that existed in this period.

One of the acute difficulties of this thesis is not necessarily a lack of secondary literature, for the literature in this field is vast and complex, but a lack of secondary literature germane to the precise topic. Texts are either highly specific to the individual topics (and will therefore be discussed in most detail in the individual chapters) or tangential to the matter under discussion. Where it is not, further difficulties can arise. Laura Beers and Geraint Owen summed it up rather well in a recent publicity sheet for a conference, when they commented that while there is substantial and increasing historical interest in the interwar years, there is also a lack of coherence and co-ordination between those who work in the field, leading to a largely fragmentary historiography where “diverse specialities have not yet met in a broader exchange of views.”<sup>15</sup>

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<sup>14</sup> *ibid.* pp. 52-4 59-60, 62

<sup>15</sup> Laura Beers and Geraint Owen, website publicity for “Unconventional Wisdoms: new perspectives on interwar Britain,” conference at Newnham



At the same time, there are a large number of “popular” studies of the interwar years that attempt to “survey” the period in a bid to provide this very context. However, they all, even the ones written by academic historians, suffer from a range of shortcomings. Most fail to make a clear distinction between the 1920s and the 1930s. Many either repeat myths that have little foundation in fact, or indeed create them – most of which tend to be myths about the corruption, incompetence and autocratic behaviour of the government. At the same time, some of them are valuable books with at least pretensions towards serious scholarship. Most difficult of all from this point of view is Ronald Blythe’s *The Age of Illusion* (1963) which suffers from virtually all the worst faults of the genre and yet is one of only two publications to deal at length with William Joynson-Hicks, rendering it indispensable to this study.

Certain other books in this field deserve mention. Robert Graves and Alan Hodge, professional writers both, produced a social history of the interwar period in 1940, entitled *The Long Week-End*. It is in some respects of more use as a primary source than a secondary one, as it gives the opinions of the writers on many issues, including literature, art, theatre, as well as politics and social trends. Douglas Goldring’s *The Nineteen Twenties* (1945) is also deserving of mention as a primary source, despite suffering from all the worst tendencies listed above.<sup>16</sup> Charles Mowat and A. J. P. Taylor both produced magisterial studies of the period – Mowat’s *Britain Between the Wars 1918-1940* (1955) and Taylor’s *England 1914-1945* (1965) both still recognised as classics in their own field. Neither, however, are immune from the deficiencies of the genre. Mowat was scathing in his denunciation of Stanley Baldwin, claiming that he had only one defence for his deficiencies and failure to properly rearm: “that he was tolerated so long [by the British people]”. Taylor’s book, as his contribution to the famous *Oxford History of England* series, has entered popular consciousness to a great degree, and is responsible for much of the language

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College, Cambridge, 14th – 15th April 2009,  
[http://www.hist.cam.ac.uk/seminars\\_events/conferences/wisdoms.html](http://www.hist.cam.ac.uk/seminars_events/conferences/wisdoms.html),  
accessed 21st March 2009.

<sup>16</sup> For instance, his firm belief that the banks were to blame for everything that he perceived as wrong in society, and that the Second World War had been caused by their desire to sell more war loan. Douglas Goldring, *The Nineteen Twenties: A General Survey and Some Personal Memories* (London 1945): see especially pages 28, 35, 252



directed at Joynson-Hicks – for instance, it was Taylor who first claimed that Joynson-Hicks “saw a Communist under every bed.”<sup>17</sup> This attitude of untempered criticism reached its pinnacle with Ronald Blythe’s *The Age of Illusion* in 1963.

After that time even the popular market gradually rowed back from the wildest excesses of these books. Led by William McElwee in his book *Britain’s Locust Years 1918-1940* (1962) criticism gradually began to be replaced by curiosity. A major biography of Baldwin, which attempted to recast him as the most important Conservative leader since Disraeli, was published by Keith Middlemas and John Barnes in 1969, confirming and strengthening this trend. The popular social history by John Stevenson, *British Society 1914-1945* (1984) also emphasized continuity of social development and improvement in this period, showing how much of what occurred in this field between the wars had its roots in pre-war developments and led on to the Labour government’s reforms in the 1940s. However, there was still considerable support for more traditional viewpoints, exemplified by Noreen Branson’s book *Britain in the Nineteen Twenties* (1975).

More recently, since the 1990s, popular studies have turned towards a more negative assessment of the period. So, two books by Martin Pugh, one of them a huge survey of Britain from 1870 to 1997, and the other (very recent) one a more straightforward social history concentrating exclusively on the interwar period, both painted gloomy pictures of the economic failures (especially the lack of a Keynesian policy). In this he was supported by two confirmed amateurs – A. N. Wilson, in his book *After the Victorians* (2005) and Roy Hattersley, who recently produced a new book called *Borrowed Time* (2007) surveying the interwar years. Ross McKibbin has also produced a major social history of the period 1918 to 1951. After Blythe, this is possibly the most valuable text of this description to this study. For one thing, it is useful in its careful deconstruction of class and society in the period, which not all the others seem to be quite at ease in doing – despite the immense importance of class barriers in this period. One of the key things central to understanding the role of the state in censorship and suppression in this period is that it was dominated by

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<sup>17</sup> A. J. P. Taylor, *The Oxford History of England XV: English History 1914-1945* (Oxford 1965) p. 242



the middle classes – including Baldwin and Joynson-Hicks, who was once described by the Socialist journalist Hannen Swaffer as “belong[ing] to the great body of middle-class Evangelicals who, largely, are the backbone of this country. They have been behind most of the big moral causes which have swept the nation for centuries. They fought slavery and other horrors; and, usually, they have won.”<sup>18</sup> It is also of importance given that Joynson-Hicks was unusual in trying to enforce the law (or, alternatively, his system of ethics) rigorously on all levels of society, including wealthy night-clubbers. Unlike the impoverished prostitutes and street-bettors in Petrow’s study *Policing Morals* (see below) these were people with power, wealth and influence, who were capable of hitting back, and had therefore usually been left well alone by Joynson-Hicks’ predecessors.

For all their faults, these broader surveys offer the context that more specialised monographs tend to lack, which renders them of some use to this thesis. However, it is also necessary to consider some of the more specialized works in various fields that come close to this topic.

Much of this thesis has to deal with the politics of the 1920s (and to a lesser extent, those of the years immediately after the First World War and the 1930s) including the internal politics of the Conservative party. Politically, the interwar era is either a time of great ferment or of great stability and inwardness, depending on the discussant. This could be because all the major political changes happened to the Opposition. For twelve out of twenty-one years there was a coalition government (1918-1922, 1931-1939) dominated by the Conservatives but led for much of the time by a senior figure of the Left (Lloyd George 1918-1922, Ramsay Macdonald 1931-1935). For six and a half more years (1922-January 1924 and December 1924-1929) the Conservatives were in power on their own, under first Bonar Law and then Stanley Baldwin. The other two and a half years consisted of minority Labour governments led by Macdonald and propped up by the Liberals. Most significant in all this is the absence of any mention of the Liberals as a party of power. In 1914 the Liberals were in government. By 1925, they held a mere 40 seats in the Commons, and even their leader of seventeen years, Herbert Asquith, was unable to find a seat.

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<sup>18</sup> Hannen Swaffer, “The Night Club Panic,” *The People*, 8th February 1925



Labour had replaced the Liberals as the party of opposition, although, as Trevor Wilson noted in the 1960s, it found it far more difficult to replace the Liberals as a credible alternative government to the Conservatives.<sup>19</sup> This was the major political narrative of the interwar years ; but the net result of this credibility gap of Labour's was that for all but three of the twenty-one years between 1918 and 1939, the Conservatives were in power, whether on their own or in a coalition.

There has been considerable controversy and confusion over the success (or, for a very long time, perceived lack of success) of the Conservatives' programmes in government and in opposition. The most unfortunate effort in this direction was probably the official biography of the dominant Conservative figure of the period, Stanley Baldwin. Written by G. M. Young and published in 1952, it painted his subject as an indolent and ineffectual figure who took very little interest in the machinery of government – this last partly caused by a paucity of archival material bearing Baldwin's name, something acknowledged and explained by more recent biographers as part of Baldwin's preference for working by word of mouth rather than by memo.<sup>20</sup> An important departure in this direction was made by Keith Middlemas and John Barnes, who in 1969 produced an immense 1,150 page biography of Baldwin which, on their own admission, turned into something of an epic study of the interwar period on the grounds that “it is undesirable for political biography to be also the history of the subject's time...but in Baldwin's case it is almost inevitable.”<sup>21</sup>

More recently, a cultural school of history has emerged that goes some way to support the notion of Baldwin as a figure of his time who reflected the political aspirations of the electorate in the 1920s. Philip Williamson's work on *Baldwin: Conservative Leadership and National Values* asserted that “study of Baldwin raises central historical questions which if intelligently addressed can

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<sup>19</sup> Trevor Wilson, *The Downfall of the Liberal Party* (second edition London 1966) pp. 419-421. In fact it is now possible to go further than he did (in dating the end of the Conservative hegemony to Wilson's narrow win in 1964) and say that the Conservative hegemony established in the First World War lasted 82 years, until Tony Blair's victories in 1997, 2001 and 2005 broke it. During that time, they never spent more than six and a half years out of power (1945-51 being their longest period in opposition).

<sup>20</sup> Philip Williamson, *Baldwin: Conservative Leadership and National Values* (Cambridge 1999) pp. 33-4

<sup>21</sup> Keith Middlemas and John Barnes, *Baldwin: A Biography* (London 1969) pp. xiii-xiv.



reveal much about Conservatism and the broader political culture of the interwar years.”<sup>22</sup> In an earlier article he had already dissected the unsuccessful Conservative election campaign of 1929, and concluded there was a deliberate choice to portray Baldwin as the “Safety First” candidate on the grounds that it would touch a chord with the electorate. He argued that while the campaign was incoherent and shambolic, as well as unsuccessful, it was not a reactive one that used a slogan selected accidentally as had previously been alleged, calling into question many of the assumptions about Conservative incompetence in this period.<sup>23</sup> More recently than either, he has published an essay dissecting the changes in Baldwin’s post-retirement reputation until the late 1960s (the era of Middlemas and Barnes) which, as noted above, was a period when many of the myths around this era, and around Baldwin himself, were formed.<sup>24</sup> Joynson-Hicks was a senior figure in the Conservative party under Baldwin, and he had tried to encourage a more pro-active stance from his Cabinet colleagues than one of “safety first,” urging them instead to adopt Lloyd George’s proposals and present them to the electorate as their own.<sup>25</sup> At the same time, his policies against night club owners (which are discussed in chapter 6) have been credited with playing a role in creating popular disenchantment with the government, although to say the least, for reasons that will be discussed below, it seems unlikely.<sup>26</sup>

This concentration on Baldwin has led to a number of difficulties. One of them is defining the Conservative strategy in the 1920s, particularly after 1924. Baldwin himself gave the very strong impression of desiring to lead a moderate, non-confrontational party in a bid to unite the country behind a shared belief in a political philosophy based Baldwin’s. Yet as Williamson’s biography makes clear, Baldwin was also a man inclined to give his Cabinet colleagues their heads in matters of detailed policy implementation – not perhaps surprising given that most of them, notably Churchill, the Chamberlain

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<sup>22</sup> Williamson 1999 p. 12

<sup>23</sup> Philip Williamson, ““Safety First: Baldwin, the Conservative Party and the 1929 General Election” *Historical Journal* 25:2 (1982) pp. 385-409

<sup>24</sup> Philip Williamson, “Baldwin’s Reputation: Politics and History 1937 to 1967” *Historical Journal* 47:1 (2004) pp. 127-168

<sup>25</sup> Richard Toye, *Lloyd George and Churchill: Rivals for Greatness* (London 2007) p. 262

<sup>26</sup> Middlemas and Barnes p. 515



brothers, Balfour and (while he lived) Curzon all had immense experience, far greater than Baldwin's own.<sup>27</sup> This meant that mixed messages about the nature of Conservatism were sent out. For instance, David Cesarani has accused Baldwin of attempting to portray himself as moderate in matters of race relations, while at the same time allowing others who were anything but moderate (among whom he numbered Joynson-Hicks) to say what they liked without check from the centre, and indeed encouraging them to do so by attacking "aliens" in his election broadcast of 1924.<sup>28</sup>

In the field of culture, the attitude of Baldwin himself, and of most of his colleagues, was confrontational. He frequently attacked the habits and atmosphere of the post-war world as "bad and dangerous for the community."<sup>29</sup> Robert Horne, a leading socialite and night clubber, was carefully excluded from Baldwin's cabinets despite his great ability and expertise in financial matters.<sup>30</sup> Joynson-Hicks himself exemplified this attitude with his work in this field, as is discussed below. Given that Baldwin lost only one of five general elections that he fought,<sup>31</sup> it would seem that this approach was at least not anathema to a large portion of the electorate. However, one of the frequently recurring themes in this thesis is that it is impossible to reliably gauge public opinion on this question in the days before sophisticated opinion polling, a problem made more acute by the fact that all sides claimed to represent a "silent majority."<sup>32</sup>

Other important work in this field, leaving cultural considerations aside, has been done by David Jarvis, who has made major contributions to our understanding of the changing class and gender identities in British politics (especially the Conservative party) in the 1920s as the electorate was changed

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<sup>27</sup> Williamson 1999 pp. 34, 67-68

<sup>28</sup> David Cesarani, "The Anti-Jewish Career of Sir William Joynson-Hicks, Cabinet Minister" *Journal of Contemporary History* 24 (1989) pp. 461-482, pp. 471, 476

<sup>29</sup> Williamson 1999, p. 155, quoting a speech at Cambridge in 1927.

<sup>30</sup> *ibid.* p. 68

<sup>31</sup> In 1923 the Unionists remained the largest party, although they were unable to form a government; in 1924, 1931 and 1935 they won large absolute majorities (in the latter two cases the victory being further distorted by their alliance with factions of Labour and the Liberals). In the entire period 1914-1945 only in 1929 did they come second in a general election.

<sup>32</sup> See below pp. 152, 215-6, 308 for examples of this difficulty.



by the 1918 and 1928 reform acts (one of which was sponsored through the House of Commons by Joynson-Hicks). His 1996 article "British Conservatism and Class Politics in the 1920s" analyzed the changing pattern of Conservative electoral campaigns as they considered how to respond to the expanded electorate after 1918, and their relationship with an electorate at once defined by class and yet clearly not fully homogenous within that class structure. His argument was that the Conservatives managed eventually to win their great victory of 1931 by persuading everyone that they had a vested interest in the *status quo* that the party stood for, despite the Great Depression.<sup>33</sup> More recently, he has also discussed the changing role of women in Conservative politics as part of Amanda Vickery's book on the influence of women in British politics since 1750, something he also considered more specifically in relation to Conservative constituency associations in the 1920s in an earlier work for Martin Francis and Ina Zweiniger-Bargielowska's work *The Conservatives and British society, 1880-1990* (Cardiff 1996). In this latter paper he concluded that while the heavy reliance of these associations on women to keep going was unpopular with men, it makes the Conservative engagement with female suffrage to appease this important support base easier to understand.<sup>34</sup> It is rather surprising, given all this literature, that Joynson-Hicks is still credited with having created the Equal Franchise Act more or less by accident.<sup>35</sup> However, there is no particular evidence that any considerations about gender politics influenced the moral policies pursued by the Home Office during his time there. Certainly there has been no suggestion that women were to be

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<sup>33</sup> David Jarvis, "British Conservatism and Class Politics in the 1920s," *The English Historical Review* 111 (1996) pp. 59-84

<sup>34</sup> David Jarvis, "The Conservative Party and the Politics of Gender" in Martin Francis and Ina Zweiniger-Bargielowska (eds.) *The Conservatives and British society, 1880-1990* (Cardiff 1996) pp. 172-193; Jarvis, "'Behind every great party': women and Conservatism in twentieth-century Britain," in Amanda Vickery, (ed.), *Women, privilege and power : British politics, 1750 to the present* (Stanford (CA) 2001) pp. 289-314

<sup>35</sup> Mari Taganayaki, currently working on the parliamentary debates that led up to the passing of the Act in 1928, continued to put forward this view at a conference in Chatham in February 2008 ("Women and the Law") and despite a long subsequent discussion, I was unable to persuade her that she was mistaken. Mari Taganayaki, "Women and Parliamentary Legislation, 1918-1928" Women's History Network South Study Day, Women and the Law, held at the University of Kent at Medway (Chatham) 9th February 2008.



targeted in a campaign about “traditional values,” and if it was ever a consideration in the mind of Joynson-Hicks, he does not appear to have committed it to paper.<sup>36</sup>

It should be noted that a major reason why the Conservatives were elected had little enough to do with their own merits. Mostly they rode a wave of anti-Communist hysteria to power, a practice never better exemplified than by the “Zinoviev letter” election of 1924, when a forged letter purporting to show that Labour was working for Moscow was published shortly before the election, apparently causing the Liberal voters to stampede over to the Conservatives.<sup>37</sup> It was not only Edgar Wallace, the defeated Independent Liberal at Blackpool in 1931, who came up against a Conservative candidate who “had it all over him when it came to chilling the electors’ blood with far-fetched stories.”<sup>38</sup> They were also greatly assisted by the phenomenon of the “split vote.” Prior to the First World War, Labour and the Liberals had co-operated in attacking the Unionists, and not putting up candidates against each other, lessening the chances of the Unionists winning an overall majority. After the war, however, this agreement lapsed, and although only once – in 1931 – did the Conservatives secure over half the popular vote, only on one occasion – in 1929 – did they come second in terms of the number of seats they won. However, the emergence of “anti-Bolshevism” has tended to gain at least equal prominence as an explanation for this dominance. Paul Ward’s book *Red Flag and Union Jack* (1998) partly discusses this when he discusses how it was essential for the Labour party to distance themselves from the notion of “the Red Flag” (Bolshevism) in order to secure a broad enough electoral base to challenge for power, inventing themselves as a “National” party of Britain.<sup>39</sup> It is worth noting in partial support of this theory Clare Griffiths’ argument that

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<sup>36</sup> Of course, it should be noted that the government documents that make up the bulk of the source material for this thesis would not, at this time, have been a good place to look given the official neutrality of the Civil Service. There may be evidence of such a pitch in party or personal documents, and it would be an interesting question to investigate.

<sup>37</sup> “Apparently” because it has been argued that the “Zinoviev letter” only confirmed and strengthened an already existing trend in this regard: see Robert Blake, *The Conservative Party from Peel to Major* (London 1997) p. 225

<sup>38</sup> Quoted in Wilson p. 402

<sup>39</sup> Paul Ward, *Red Flag and Union Jack: Englishness, Patriotism and the British Left 1881-1924* (Rochester NY 1998)



the ability of the Conservatives to present themselves to the newly enlarged electorate as a non-sectional, fully national party in this period was a major factor in their success.<sup>40</sup> Part of this trend may be discerned in chapter 5 below, which closely examines the attitude of the Home Office under Joynson-Hicks to films produced in Russia, an attitude that was abruptly reversed under his Labour predecessor.

Joynson-Hicks certainly represented a strongly anti-Bolshevik strand in British politics of the 1920s, which was obviously not universally unpopular. At times he also seems to have been less than scrupulous in drawing distinguishing lines between Socialists in the Labour party and Communists; on arrival at the Home Office he invited Sir John Anderson, his new Permanent Under-Secretary, to celebrate the defeat of Labour.<sup>41</sup> That said, it did on occasion severely embarrass the government domestically and diplomatically, most notoriously over the 1927 “ARCOS Raid” which caused the suspension of diplomatic relations with Russia and caused a media storm at home.<sup>42</sup> How far his attitude against Bolshevism extended into the suppressive culture of the Home Office outside his work against Russian films is a more difficult one to judge. It is worth noting that Douglas Goldring claimed Joynson-Hicks wished to forcibly suppress the sale of alcoholic as an extension of wartime controls on the grounds that “if the restrictions imposed as a “war emergency” were relaxed, even in regard to beer drinking, “Bolshevism” might result.”<sup>43</sup> Although a tenuous argument exists here that the general clamping down on the areas in this

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<sup>40</sup> Clare Griffiths, “Dubious Democrats: Party Politics and the mass electorate in twentieth-century Britain” in Bob Moore and Henk von Nierop (eds.) *Twentieth Century Mass Society in Britain and the Netherlands* (Oxford 2006) pp. 30-46, pp. 35-6: cf. David Jarvis, “The Shaping of the Conservative Electoral Hegemony, 1918-1939” in Jon Lawrence and Miles Taylor (eds.) *Party, State and Society: Electoral Behaviour in Britain since 1820* (Aldershot 1997) pp. 131-152, where he argues that the Conservatives were forced to reform their methodology, message and membership to cope with this electorate, and tried to make voters identify with them as the supporters of a social order in which they held a stake.

<sup>41</sup> Anderson declined the invitation, simply saying that he was a professional civil servant who would work with any political master the electorate voted for, without expression of either “pleasure or sorrow” on their victories or defeats. John W. Wheeler-Bennett, *John Anderson: Viscount Waverley* (London 1962) pp. 88-89

<sup>42</sup> See below pp. 73-74

<sup>43</sup> Goldring p. 248



thesis might be the result of a general desire to browbeat and intimidate the electorate and make it almost impossible for them to plot against the state, it is not one generally supported by the evidence, although to argue that both themes – moral policing and anti-Bolshevik campaigns – sprang from the same belief that, given the choice, people would chose something that was bad for them, is certainly not untenable.<sup>44</sup>

The suggestion that this Conservative hegemony and its results was sparked by the wholly hypothetical fear of a revolution based on events in Russia that were unlikely to be repeated closer to home is to overlook two very obvious points. First, there were a series of revolutions across Europe in the period 1918-1920, and while none of them were overthrew the governments they were attacking some of them, notably Bela Kun's rising in Hungary, came extremely close to it. In France, in Italy, Berlin, Bavaria, there was sufficient unrest to cause alarm. In Britain there were riots, strikes and general discontent, and although with hindsight the danger of revolution was minimal that is to ignore the fact that *what was likely to happen* was far less important than *what could happen*: and what could happen was thought by both the Establishment and the far left to be a full-on revolution as in Russia.<sup>45</sup> The struggle of far left and, to counterbalance it, the far right; represented in Europe in 1922 by Horthy and Mussolini but later to be added to, with Franco, Schuschnigg and most notoriously, Hitler; was to dominate interwar politics and philosophy just as the same fundamental ideological differences were to inform the thinking of the 1960s and 1980s.

The second point that is often overlooked is the fact that there was a revolution in Britain in 1918: a prolonged, bitter and bloody revolution whose last rites are, even at the time of writing, only tentatively being read. This was a revolution that had almost nothing to do with the war, or with Communism (although many of its followers were Socialists) and which had been threatened well before 1914. But, more significantly perhaps, it lay in that part of Britain which has always held a slightly ambiguous status.

The Irish revolution led by Michael Collins and the counter-revolution led by forces under the nominal command of Hamar Greenwood of and by itself

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<sup>44</sup> See below pp. 242-243

<sup>45</sup> Branson chapter 2 pp. 13-45 offers an excellent analysis of this.



is almost wholly irrelevant to this thesis. Yet the fact that there was a major insurrection on soil which was undoubtedly part of the United Kingdom as it was then constituted (whatever the arguments as to whether or not Ireland was in practice a “colony”) cannot be ignored. Easy though it would be to say that Britain suffered no revolution after the First World War, it would be manifestly untrue. And it was only a step from a revolution in Ireland, something that had been possible but comparatively unlikely in 1914,<sup>46</sup> to suggesting that a revolution might occur in Liverpool, or Cardiff, or above all in Glasgow. The latter place was held to be the very heartland of radical Communism and not without good reason, given the establishment of the ultra-left wing Clyde Workers Committee, which called a general strike in 1919. While Marwick (and before him, Keynes) may have dismissed talk of the fear of revolution as a distraction and an irrelevance, it is clear that, however unrealistic it may have been, it had entered deeply into the British national psyche, or at least the psyche of the ruling classes, and therefore must be considered an important factor in British politics.<sup>47</sup>

This is something that has been clarified and explained by the recent work of Jon Lawrence. Lawrence has written a series of articles on violence and the fear of violence in post-First World War British political culture. In one recent contribution, he particularly linked the Black and Tan atrocities, along with the Amritsar Massacre of 1919<sup>48</sup> and the industrial unrest of the period 1919-1921 with a fear of violence among the propertied classes on the British mainland.<sup>49</sup> His argument was that these actually further fed the fears of this group that the war had left an entire generation of men “brutalized,” and that the government, with its determination to fight hard in Ireland in particular, was making matters worse.

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<sup>46</sup> Although there was a serious danger, indeed a near certainty, of civil war in Ireland in 1914, this would have been caused by the Protestants of Northern Ireland rebelling against Catholic majority rule: not what ultimately happened, the rebellion of the Irish Catholics against London rule.

<sup>47</sup> Arthur Marwick, *The Deluge: British Society and the First World War* (revised second edition Basingstoke 2006) p. 313

<sup>48</sup> See below pp. 60-63

<sup>49</sup> John Lawrence, “Forging a peaceable society: War, Violence and the Fear of Brutalization in Post-First World War Britain” *Journal of Modern History* 75 (2003) pp. 557-589

The period 1918-1926 also seemed to be one where the old order might conceivably stumble on the mainland of its own accord anyway. As John Lucas pointed out in one of the all-too-rare books that concentrates solely on the 1920s:

“The Hitchhiker’s Guide to the 20th Century tells us that the superficial glitter of the 1920s was succeeded by the earnest radicalism of the 1930s. Yet the 1920s has a claim to be thought of as more radical than the decade that succeeded it. During the 1920s two Labour governments took office. Admittedly, they were minority governments and neither lasted for long; but there was no Labour administration during the following decade, and if the evidence of the admittedly crude opinion polls of 1939 are anything to go by, Labour would have done even worse in the then pending general election than it had in 1935...the radical 1930s didn’t produce a general strike; and by the end of the decade union membership was lower than it had been at its outset... [this] is ignored by commentators who wish to see the 1930s as a political decade, and who as frequently regard the 1920s as all of a glitter: a time of profoundly superficial attractions which came to an end in 1929, with the Wall Street Crash.”<sup>50</sup>

This was an entirely valid thrust against the notion of a 1920s where the only issue was an older caste of politicians trying to revert to their idealised image of a stable pre-war world, and a hedonistic generation (as portrayed by Nevil Shute) looking solely for some fun after the hardships of war.<sup>51</sup>

A further area where some revision of ancient historical truisms might be called for with some profit is in the area of religious history. Traditionally, one of the difficulties many historians have in understanding this period is that they lack the necessary understanding of the ongoing centrality of Christianity, in the organized form of the Anglican church in public life. At one time it was

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<sup>50</sup> John Lucas, *The Radical Twenties: Aspects of Writing, Politics and Culture* (Nottingham 1997) p. 8

<sup>51</sup> Shute pp. 34-41



widely assumed that organized religion suffered a terrible blow in the First World War from which it never recovered, as part of a more general, long held view among sociologists that ever since the Industrial Revolution religious belief has been in inevitable, steady decline in the West, a process to which the First World War made a significant contribution. It was claimed that this view was supported by Robert Graves' famous autobiography, *Goodbye to All That*, which detailed his transition from a strong, buoyant Christian to an implacable atheist as part of his total rejection of the world he had grown up in following the First World War, and among other examples C. E. Montague's *Disenchantment* and Siegfried Sassoon's *Memoirs of a Fox-Hunting Man*, which followed a broadly similar pattern. This was a view put forward with some vehemence by Arthur Marwick in the 1960s, who claimed that "simple old world religious faith...[was] extinguished at the Battle of the Somme."<sup>52</sup> The idea that there was a close and immediate link between the war and a decline in religious belief is still put forward. One of the most influential proponents of such a theory is Steve Bruce, whose book *God is Dead: Secularization in the Modern West* (Oxford 2002) mounted a spirited defence of secularization theory against its critics (although it was noted by one reviewer that he was not always scrupulous in his use of data to support his arguments) and argued strongly against any "revisionist" ideas of it.<sup>53</sup>

The reason for Bruce's defensiveness is the work of Callum Brown, who in 2001 stood secularization theory on its head with *The Death of Christian Britain*. It should be noted that he was working within parameters already defined by S. C. Williams. Her book *Religious Belief and Popular Culture in Southwark c.1880-1939* (1999) stressed the fact that church and chapel going formed only part of religious observance, and not necessarily the most

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<sup>52</sup> Arthur Marwick, *The Deluge: British Society and the First World War* (reissued second edition Basingstoke 2006) pp. 258-9: cf. pp. 337-339, where Marwick directly links the war and the subsequent social dislocation to the decline of Nonconformist congregations in York noted by Seebohm Rowntree.

<sup>53</sup> Robin Gill complained that sometimes Bruce did not always use similar data: for instance, Bruce claimed that 7% of scientists believed in God against 90% of the general population, whereas the like-for-like figure was 30% of the population (the 90% was made up of those who believed in "any sort of god"). Review by Robin Gill, in *The American Journal of Sociology* 108 (2003) pp. 1160-1162

important part. She argued that religious faith was generally an outlook and a pattern of living in the area of London (Southwark) she studied rather than a habit of going to services on Sundays. Callum Brown went further and widened his scope to a national view. Working from oral testimony to delve into the consciousness of religion, like Williams particularly among the hitherto neglected working classes, he dated the beginning of fundamental secularization in Britain very precisely to 1963, stating that it was an abrupt process that could not be portrayed as proceeding gradually since the Enlightenment (as he accused proponents of secularization theory like Bruce of doing). He explained his reasoning thus:

“The mere presence of Christian churches or Christian people in Britain does not make, and never has made, Britain Christian, and their mere gradual disappearance does not in itself make it unChristian. What made Britain Christian was the way in which Christianity infused public culture and was adopted by individuals, whether churchgoers or not, in forming their own identities. Before getting to religious decline, the conception of religiosity must be made wider and deeper.”<sup>54</sup>

This cultural redefining of Christian influence in British society led him to conclude that Christianity’s position in Britain was largely stable between 1800 and 1963, even if numbers of churchgoers fluctuated (both up and down) because it exerted a stranglehold over public imagination. What was “right” and “wrong” was defined by Christian morality and thinking. The 1960s changed that entirely, and, he argued, possibly irreversibly. As a result, he branded these 163 years as “[Britain’s] last Puritan age... this puritanism was imposed not by the state but by the people themselves.”<sup>55</sup>

The influence of Brown, or at least the influences that informed his thinking, are perhaps discernable in the work of Matthew Grimley. Building on earlier studies that showed modest increases in attendances for all churches

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<sup>54</sup> Callum G. Brown, *The Death of Christian Britain: Christianity and Society in the Modern World* (London 2000) p. 8

<sup>55</sup> *ibid.* p. 9



throughout the 1920s (although most notably among Catholics and least significantly among Nonconformists) he has cast doubt upon how far the power of the churches declined in this period. Most of all, he underlines the immense cultural and social importance of the churches, which he argued allowed them to influence political thought as well to a major greater degree than previously realised. Apart from anything else, most senior politicians – including Baldwin himself, and certainly including Joynson-Hicks – remained personally profoundly religious, meaning that the churches still had tremendous “soft power,” which Grimley defined as their *influence* upon society, politics and cultural thinking.<sup>56</sup> This conforms well with the paradigm of cultural Christianity set by Brown, and suggests a major shift in attitudes towards religious history. While Grimley may still complain that “historians of Britain in the twentieth century have tended to cast religion in a minor or residual role,”<sup>57</sup> it is worth noting that this change is spilling over into other political writers as well, including Philip Williamson, who devoted an entire chapter of his book on Baldwin to Baldwin’s Christian mindset and links with religious organisations.<sup>58</sup>

Such a change is to be welcomed and is especially important in this thesis for two reasons. One of them is the centrality of religion to Joynson-Hicks’ own character, and indeed his career. He was brought up in a fervently Evangelical household, within the Church of England but having much in common with some of the Nonconformist churches (for instance, the Wesleyan Methodists). At the age of fourteen he signed the pledge and kept it. In 1928 he played a crucial role in thwarting the High Church wing of the Church of England in their attempts to guide a revised version of the Book of Common Prayer through Parliament. I will argue in the conclusion that most of his actions in regard to the areas examined in this thesis can be traced to his religious beliefs. This attitude certainly extended to the civil servants of the Home Office and a large section of the police force, all of whom would have

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<sup>56</sup> Matthew Grimley, “The Religion of Englishness: Puritanism, Providentialism, and “National Character,” 1918–1945” *Journal of British Studies* 46:4 (2007) pp884-906

<sup>57</sup> Matthew Grimley, *Citizenship, Community and the Church of England: Liberal Anglican Theories of the State Between the Wars* (Oxford 2004) p. 5

<sup>58</sup> Williamson 1999, chapter 9: see also pp. 103-8, p. 155, pp. 277-82



been at the very least inculcated with Christian moral precepts, even if they did not fully subscribe to them. The defence of Christian morality, possibly linked in their minds with the defence of Western civilization against atheistic Communism, was certainly a key theme in the 1920s, albeit, due in part to this earlier neglect of the role of religion, an underexplored one.

The second reason is that many of the actions in this thesis – moves against drinking after hours, complaints about films, plays and books, and efforts to combat the sexual adventurers taking advantage of London's open spaces for instance – were led by the churches, or by organisations affiliated to them. Most important and most powerful among them was the London Public Morality Council. This was an organisation affiliated to several churches, led by the Bishop of London, Arthur Winnington-Ingram, at its foundation in 1899 devoted to campaigning against indecency (defined as sexual misconduct, including promiscuity and homosexuality but especially prostitution). However, it increasingly broadened its remit to include other kinds of immoral behaviour, notably drinking culture and obscenity in literature, theatre and cinema. It not only had powerful voices in Parliament on its side (including Winnington-Ingram himself) but had the resources to employ agents to patrol open spaces, bookshops, cinemas and theatres looking for offenders – whom they would then report to the police, the local authority (over whom the thought of thousands of church voters being influenced by the LPMC's actions could exercise a powerful motivation) or the Lord Chamberlain and the Home Office.<sup>59</sup>

The evidence gathered for this thesis would suggest that there is a case to be made that during the 1920s the LPMC reached the height of its power and influence, riding on not only the numerical strength of the churches in this period but what was clearly a sympathetic attitude towards their aims within the Home Office, elements of the magistracy and judiciary and at least some of the senior officers within the police. The history of this organisation is still yet to be written, a notable gap in the current literature. While some idea of its activities may be gleaned in this study, and in others including that of Stefan Petrow, it would deserve a full study of its own. This thesis, while attending to some of its

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<sup>59</sup> Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office 1870-1914* (Oxford 1994): for details of its founding, p. 124; its influence over local authorities, p. 137; its closeness to the Metropolitan Police p. 153.



more public activities, does not fully fill that gap, but it does underline the immense power and influence it wielded.

One of the other reasons why the LPMC achieved much greater power in this period was as a result of major changes in the legal system wrought by the First World War, which greatly extended what Stefan Petrow called the “policing [of] morals,” which greatly increased the legal instruments available to litigants in such fields. In 1915 the Defence of the Realm Act (usually called DORA for short) was passed in order to strengthen the hands of the government in their bid to galvanize the British economic and social systems to fight a total war. This gave ministers the right to assume additional powers at short notice, by means of Orders in Council (an administrative function signed by the monarch, not a legislative process that required Parliamentary ratification) and led to a number of arcane powers being introduced, some of them in very surprising areas. For instance, laws against drink, drugs and prostitution were all tightened under DORA, and many of these changes were later codified under new legislation to ensure they continued into the years of peace (in the case of this thesis, the important ones were the Licensing Act of 1921 and the Dangerous Drugs Act of the same year). An amended form of DORA was also left on the statute book for use against major civil events (a General Strike, for instance) in the form of the Emergency Powers Act of 1920.

This topic has been discussed in detail by K. D. Ewing and C. A. Gearty, in *The Struggle for Civil Liberties: Political Freedom and the Rule of Law in Britain, 1914-1945* (Oxford 2000). In it they closely analyze the effect of DORA upon the legal and political structures of Britain, and especially the way in which it was used (amongst a variety of other legislation including the Mutiny Act of 1797) against Communists and other people considered enemies of the State, and in the Irish troubles, comparing it to the treatment of the British Union of Fascists in the 1930s. Joynton-Hicks the scourge of the Communist party moves in and out of its pages, although he seems to be curiously marginal to the main study. However, it concentrates on political freedoms. DORA also had a major and lasting impact upon moral freedoms as well, and in this thesis (especially part 3) it will be noted that it occurs frequently as the act that set the legislative powers under which moral policing operated throughout the 1920s. One of the most important, as well as the most surprising things revealed in this



thesis is how widely DORA was used in activities outside the political sphere, and how important it became as a legislative tool, in ways that have never been satisfactorily examined.

For the individual areas of investigation, there is more. While they are discussed with more thoroughness in the chapters that deal directly with the subjects, I will also briefly list the most important works here. The recent works of Steve Nicholson, his three volume epic *The Censorship of British Drama 1900-1968* (2003) and also his less epic but equally detailed study of the portrayal of Communism on the stage between the wars, *British Theatre and the Red Peril* (1999) set the standard for work on the Lord Chamberlain's unique system of censorship that survived a major inquiry in 1909 to finally be abolished by Roy Jenkins in 1968. He was building on earlier work by Nicholas de Jongh (a theatre critic) and John Johnston (the last Comptroller of the Lord Chamberlain's Office to discharge the duties of theatre censor). There have been more modest recent gestures made, for instance in *The Cambridge History of British Theatre Volume Three: Since 1895* (2004) but these tend to take the form of critical assessments of the theatre, its structures and quality, rather than an investigation into the mechanics of censorship (as Nicholson's is). So, for instance, Maggie Gale's contribution on "The London Stage 1918-1945" is more concerned with what was performed, rather than why it could or could not be performed, building on her earlier editorial compilation with Clive Barker of *British Theatre Between the Wars 1918-1939* (2001). The most notable recent contribution to literature on theatre censorship apart from Nicholson comes from the collaborative effort of Anthony Aldgate and James Robertson, *Censorship in Theatre and Cinema* (2005). This work, despite its comparative shortness, is as the title implies a comparative study of censorship in theatre and film, arranged by themes over the period 1912 (when cinema censorship may be said to have begun with the formation of the British Board of Film Censorship) and 1968 (when theatre censorship was abolished) although it also contains a brief discussion of the continuing presence of the BBFC after that date. Valuable in its ambition and in its scope, it draws important parallels between the Lord Chamberlain's office (established by law) and the BBFC (established by the film industry and yet consciously modelled on the Lord Chamberlain's system). This thesis aims to go rather further, however, by identifying



similarities in other areas as well, and takes a somewhat different approach by concentrating on one short, albeit formative, time-period for the major part of its investigations.

The field of literature and literary censorship has long been an attractive one for writers, critics, and historians alike. In 2007 Donald Thomas published *Freedom's Frontier: Censorship in Modern Britain*. It is a substantial study of literary censorship in the period between the late nineteenth century and the early twenty-first, with reference to how structures of control have evolved over time. On the subject of Radclyffe Hall's novel on lesbianism, *The Well of Loneliness*, the prosecution of which dominates chapter 4, there is more available, including more recent work. The first significant books in this direction were spurred by the freedom of expression debates of the 1960s, and were written by (among others) C. H. Rolph (the pen name of author and journalist Cecil Rolph Hewitt). This was further embellished by a book entitled *Radclyffe Hall: A Case of Obscenity?* (1968) by Vera Brittain, the famous feminist and writer, who was one of the expert witnesses for the defence at the 1928 trial who was disallowed by the magistrate. More recently, both Diana Souhami (a professional writer) and Laura Doan have written substantial accounts of the case; Souhami as part of her biography of Radclyffe Hall, for which she managed to get the Home Office File that has proven so important to this thesis released, and Doan in an attempt to, in her own words, "constitute a new direction in lesbian historiography by its insistence on a particularized national context and temporality in interrogating a range of myths long accepted without question."<sup>60</sup>

Other works on this topic include Emily Hamer's *Brittania's Glory: A History of Twentieth Century Lesbians* (1996) which consists of a series of short biographies of women who were either avowedly or very probably lesbians (including Radclyffe Hall). Both Doan and Hamer are of considerable importance to authors on lesbianism. Matt Houlbrook's substantial and very interesting book *Queer London: Perils and Pleasures in the Sexual Metropolis 1918-1957* (2005) is also of some use in this regard, particularly in detailing the cultural attitude towards homosexuality. It is used not only in this chapter but in

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<sup>60</sup> Laura Doan, *Fashioning Sapphism: The Origins of a Modern English Lesbian Culture* (New York 2001) p. xxiii



chapter 8 on the subject of the policing of London's open spaces for courting couples. Recent books on D. H. Lawrence include a substantial biography by Brenda Maddox, entitled *The Married Man: A Life of D. H. Lawrence* (1994).

On the subject of film, there is again a substantial popular literature available from journalists and critics, including Tom Dewe Matthews and Alexander Walker. While both make some effort to provide scholarly sound works, both have weaknesses in relation to a study of this nature (for instance, Matthews' 1994 book *Censored*, invaluable in many respects, has no references, while Alexander Walker in *The Shattered Silents: How the Talkies Came to Stay* focuses more on the films than the culture of the time that made them). Neville March Hunnings' book *Film Censors and the Law* (1967) offers an immense comparative study of legal processes used to control film distribution in several countries, which is of some service in sorting through the international context of the times. Annette Kuhn has offered much valuable work in this field, starting with her PhD thesis, *Cinema, Censorship and Sexuality 1909-1925* (1989). More recently, she has examined this theme further in her article "The Trouble with Elinor Glyn: Hollywood, Three Weeks and the British Board of Film Censors" (2008) which examined a particular case study.<sup>61</sup> In another article, she also discussed the way in which horror films were classified in order to stop children from seeing them (not always successfully).<sup>62</sup> Jeffrey Richards' *The Age of the Dream Palace: Cinema and Society in Britain 1930-1939* (1984) is an interesting and worthwhile book about the heyday of cinema in Britain between the wars, although as it concentrates on the 1930s rather than the 1920s its usefulness to the particular time this thesis concentrates on is limited. The same might be said of Sarah Smith's *Children, Cinema and Censorship*, (2005) although by defining the beginning of the 1930s in 1927, when sound films were introduced, there are elements of overlap. It is worth noting that Smith's book tended to contradict

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<sup>61</sup> Specifically, obviously, the film adaptation of Elinor Glyn's controversial novel *Three Weeks*, about an affair between a young aristocrat and a Balkan queen: Annette Kuhn, "The Trouble with Elinor Glyn: Hollywood, Three Weeks and the British Board of Film Censors" *Historical Journal of Film, Radio and Television* 28 (2008) pp. 23-35

<sup>62</sup> Annette Kuhn, "Children, "Horrific" films and Censorship in 1930s Britain" *Historical Journal of Film, Radio and Television* 22 (2002) pp197-202



Richards' belief in censorship as an instrument of social control in a class warfare, arguing instead that most censorship sprang from a desire to prevent children seeing anything considered unsuitable for them, drawing on and further developing Kuhn's work in this field.<sup>63</sup> While the concept of children seeing "unsuitable" films was a recurring one in complaints lodged against the BBFC,<sup>64</sup> the evidence of this thesis would not wholly endorse her conclusions, tending rather to agree with the position of Richards that class was an important factor.

On drug laws, which form the basis for chapter seven, there is also a substantial literature. Virginia Berridge's oeuvre alone would dignify any literature review – the many editions of her substantial work *Opium and the People: Opiate Use and Drug Control policy in nineteenth and early twentieth century England* (revised (third?) edition 1999) have made major contributions to our understanding of drug use and control in Britain during that period. Bob and Pippa Little and John Seed have also contributed works that attempt to reconstruct the past of London's Limehouse area, sometimes referred to as "Chinatown," where many of Britain's drug addicts either lived or obtained their supplies. These drew on some less orthodox sources – including the memories and oral testimony of one of Limehouse's inhabitants in the case of the Littles, and fiction novels (notably those of Sax Rohmer and Sexton Blake) to investigate cultural attitudes in the case of John Seed.<sup>65</sup> Marek Kohn's brief book, *Dope Girls: The Birth of the British Drug Underground*, despite its tabloid sensationalist style, also has some uses and will be cited where appropriate.

Unfortunately there is only a very limited literature on the other two topics examined (of nightclubs and police scandals). While James Morton's book on police corruption goes some way towards plugging the gap in the latter, as does Jonathan Lopian's PhD thesis from the 1980s and the work of Joan

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<sup>63</sup> Sarah J. Smith, *Children, Cinema and Censorship: From Dracula to the Dead End Kids* (London 2005) pp. 3 and 7

<sup>64</sup> See below pp. 169-171

<sup>65</sup> Annie Lai and Bob and Pippa Little, "Chinatown Annie: The East End Opium Trade 1920-1935: The story of a woman opium dealer," *Oral History Journal* 14 (1986) pp. 18-30; John Seed, "Limehouse Blues: Looking for Chinatown in the London Docks 1900-1940" *History Workshop Journal* 62 (2006) pp. 58-85.



Lock on the establishment of a female branch of the Metropolitan Police published in the 1970s, they expend only a limited space on the salient cases before dealing with other examples (Morton) or the troubled systems of the Metropolitan police (Lopian) or the continuing development of the “British Policewoman” after the Savidge enquiry more or less guaranteed their survival and acceptance (Lock).<sup>66</sup> On nightclubs there is, perhaps surprisingly, virtually nothing. About the only people to even discuss them are Douglas Goldring and Ronald Blythe – two of the worst offenders in creating myths in the popular history market. This chapter (chapter 6) is therefore written almost exclusively from primary source material of one description or another.

Even with all this vast literature, there remains a huge gap, one that urgently needs filling, and this thesis aims to do that. That it is the lack of any sort of proper context to these different strands. Laura Doan claimed that she wrote her book, *Fashioning Sapphism*, partly to try and set the banning of *The Well of Loneliness* in context.<sup>67</sup> Yet the context she had in mind was a purely lesbian and gender context. In claiming that the trial helped crystallize a British lesbian culture, she may have been correct. But the trial also reflected a much broader culture of suppression and control in the 1920s, one supported and encouraged by the Home Office but not always or even especially often created by it. The evidence gathered for this thesis, working in and out of the literature, reveals that it was not even confined to obscenity, sexual mores or swearing – drink, drugs and Bolsheviks were all attacked and regulated through various laws aimed at cultures that promoted them. There was a clearly a solid and widespread belief, at least in the Home Office, the law enforcement agencies and possibly among politicians and the public (although there the evidence is more doubtful) that the State could and should intervene in order to keep society “clean” – of sex, drugs, drink and Communism. The work of Matt Houlbrook and the banning of *The Well of Loneliness* suggests that it also extended to homosexuality, while in chapter 4 we will see that it also encompassed art. This

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<sup>66</sup> James Morton, *Bent Coppers: The Story of Police Corruption* (London 1993); Jonathan Bernard Lopian, “Crime, Police and Punishment 1918-1929: Metropolitan experiences, perceptions and policies,” University of Cambridge PhD thesis (1986); Joan Lock, *The British Policewoman: Her Story* (London 1979)

<sup>67</sup> Doan p. xxiii



“cultural” belief in moral control forms the bedrock of the topics explored in this thesis.

In the interests of providing a fuller understanding of the culture of repression in this period, this thesis attempts to draw all these strands, including the existing literature, together in a bid to show by comparisons that it was a well-established and deeply embedded attitude in the psyche of the Home Office and indeed of at least one Home Secretary. In the interests of making an attempt to provide as much context to the topic as possible, let us now turn to the somewhat eccentric life and political career of that eponymous Home Secretary.

## **2) Dropping Bricks: The Career of Sir William Joynson-Hicks, 1st Viscount Brentford of Newick.**

“[Joynson-Hicks was] A prosperous solicitor...he was very keen on motoring and on police raids to seize the works of such notorious pornographic authors as Radcliffe [sic] Hall and D. H. Lawrence.”

Roy Jenkins.<sup>1</sup>

On the 26th of March 2006, an article appeared in the *Sunday Telegraph*. It contained, as an incidental part of the main argument, a list of the longest serving Home Secretaries of the twentieth century. It put Jack Straw equal in length of tenure with William Whitelaw at four years and 37 days. This, confidently declared Matthew d’Ancona, was “trumped only by Douglas Hurd (four years and 54 days), Herbert Gladstone (four years and two months), Herbert Morrison (four years and five months), Rab Butler (a day shy of five and a half years), and Chuter Ede (six years and two months).”<sup>2</sup> A most interesting list, in its own way, despite a few trifling errors of date. Given that these statistics emanated from the Home Office itself, at that time in a state of meltdown, small errors are not maybe terribly surprising.<sup>3</sup> Precise dates of ministerial tenure are always, in any case, at best guesswork.<sup>4</sup> But there was one far more serious omission. In fact, one Home Secretary had somehow got left off the list.

Sir William Joynson-Hicks, Home Secretary throughout the second Baldwin Government of 1924-29, was Home Secretary for four years and seven months, putting him fourth in the pantheon for length of tenure behind Ede,

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<sup>1</sup> *Baldwin* (London 1987) p. 179 (biographical note).

<sup>2</sup> Matthew d’Ancona, “Mr Blair is now, at best, a politician in remission,” *Sunday Telegraph* (Opinion) 26/3/2003

<sup>3</sup> This list was published in 2006 at the time the “foreign prisoner scandal” that forced Charles Clarke’s resignation was about to break.

<sup>4</sup> For an extremely clear exposition of the difficulties in this area, see David and Gareth Butler, *Twentieth Century British Political Facts 1900-2000* (revised eighth edition Basingstoke 2005) p. XVIII



Butler and Morrison (four years and eight months, not five months).<sup>5</sup> Yet, unlike most on the list above, he is not a household name. Even I, a political historian since my mid-teens, had never heard of him until W. D. Rubinstein suggested him as an unexplored potential thesis topic. This is even more remarkable when the fact that he was a far more controversial Home Secretary than any in modern times is taken into account. His tenure in office featured what the normally sympathetic Keith Middlemas and John Barnes described as a governmental attitude of “rabid anti-Bolshevism,”<sup>6</sup> the General Strike of 1926, a major purity campaign, in the arts, literature, and the liquor trade, which was regarded as a result of Joynson-Hicks’s personal Puritanism, the extension of votes for women, substantial prison reform, and a series of major police scandals.

The *Sunday Telegraph* did, with rather an ill grace, correct this mistake when their attention was drawn to it.<sup>7</sup> But it is perhaps symptomatic of a wider issue. Joynson-Hicks, as he was always called, was such a highly controversial figure that many people doubtless felt he was probably better forgotten. A. P. Herbert referred to “the gentle sound of dropping bricks,”<sup>8</sup> and it is true that no politician so gaffe-prone as Joynson-Hicks could aspire to Cabinet rank today unless he (or she) had abilities quite out of the ordinary. Yet Joynson-Hicks was not unusually gifted. Clever, industrious, a superb mob orator with a turn for extreme rhetoric and long practical experience as a solicitor and politician, yes: talented beyond the likes of Austen Chamberlain, Birkenhead, Sir Robert Horne and Winston Churchill, whom he leapfrogged in the Cabinet pecking order after 1922, definitely not.

Of course, the division of the Unionists now called the “slice off the top,” when a large majority of the most talented and experienced Unionists withdrew temporarily from front-line politics after Chamberlain’s ousting as

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<sup>5</sup> See Butler and Butler p56 for the full list of Home Secretaries 1900-2001 (with dates)

<sup>6</sup> Keith Middlemas and John Barnes, *Baldwin: A Biography* (London 1969) p. 283

<sup>7</sup> They published a letter I wrote to them on this subject in the next issue, under the title “How fascinating.” The ill-grace may be partly because in my email I added in brackets “(even if you do not publish this letter, I strongly recommend you print a correction).” See “Letters,” *The Sunday Telegraph*, 2nd April 2006

<sup>8</sup> Quoted in Middlemas and Barnes p. 283

leader in 1922, was of great assistance in his rise to prominence. Without it, he certainly would have had no hope of cabinet office, let alone such high cabinet office. But he had more than loyalty to Bonar Law and Baldwin to recommend him. He may have been, as Home Secretary, “a leap in the dark,”<sup>9</sup> but he was experienced, able, industrious and with practical experience of law enforcement as a solicitor. In an office that, then as now, is a gruelling and thankless one, these were necessary qualities. Perhaps a brief look at Joynson-Hicks’s career may serve to elaborate some of these highly confusing points about him.

There are two very different streams of thought about Joynson-Hicks. Ronald Blythe saw him as a pompous, crass, reactionary fool. H. A. Taylor, the official biographer who had access not only to the Joynson-Hicks family but also to writings of Joynson-Hicks himself, for a planned memoir, was much more sympathetic, seeing Joynson-Hicks as an industrious, irascible, but essentially kindly and well-meaning man, with a streak of humility that was not often shown.<sup>10</sup> Here the question of agendas and motive comes in. Ronald Blythe’s book, while officially a work of history, is in effect a satire, bordering in many places upon a work of fiction. Taylor, of course, as he was writing the official biography and was therefore presumably commissioned to do so by Lord Brentford’s family, would naturally be more sympathetic than a satirical take. It is not always easy, presented with two such opposites, to come to a reasonable conclusion based on the evidence. However, it is necessary to attempt to do so. Fortunately, there is at least a skeleton of facts that is not in dispute.

In later life, Joynson-Hicks commented that he had often been accused of being a Victorian and a Puritan. He freely admitted that he was both: “the first, due to the date of my birth, and the second, from the nature of my upbringing.”<sup>11</sup>

William Hicks – the Joynson came later – was born in 1865, the year of Palmerston’s death, in London, the eldest of four sons of Henry Hicks, merchant. The family was increasingly prosperous, but maintained a sternly

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<sup>9</sup> *ibid.*

<sup>10</sup> H. A. Taylor *Jix, Viscount Brentford: being the authoritative and official biography of the Rt. Hon. William Joynson-Hicks, first Viscount Brentford of Newick* (London 1933) p. 7

<sup>11</sup> *ibid.* p. 13



evangelical outlook on life that bordered on the Calvinistic. Sundays were days of prayer and meditation, in addition to the two church services they attended.

Hicks clearly had a good relationship with his parents, especially with his mother, who lived to be over ninety and died not long before he did.<sup>12</sup> It was therefore only natural that he should accept their worldview as his own and develop it, until it became practically second nature to him. This was reinforced by the fact that he was not, as was usual for the elder sons of affluent families, sent away to boarding school. Instead, he became a day boy at Merchant Taylors' School in Charterhouse, and lived at home with his parents. This did not necessarily, however, make his upbringing any the less strict. When the aged Henry Hicks was asked if he was proud of the success of his four sons (all of whom achieved distinction in their professions) he commented that he was not, because he always demanded the best from them.<sup>13</sup>

Some saw in this upbringing the signs of an emotional and cultural sterility – symbolized by the decision of William Hicks to sign the pledge at the age of just fourteen. It was a promise, so far as can be judged, that he kept through all the remaining 52 years of his life. Or, in the words of Ronald Blythe, “his [Hicks'] first refusal in a long career of professional negation.”<sup>14</sup> Taylor, on the contrary, concluded that it was the influence of his local parish priest, the vicar of Christ Church, Highbury.<sup>15</sup> Whatever it was, it was clearly a first step in formulating a personality based upon denial and rigid self-discipline, that was to serve him well both as a solicitor with a heavy workload and in his later political career.

Hicks did not go to a university, instead being articled to a solicitor in London upon leaving school in 1881. His pursuits for most of the next seven years, until he was in his early twenties, seem to have been normal for his class and occupation at the time, including Freemasonry (becoming Master of his Lodge at the age of twenty-five) and riding, as well as the usual sports of tennis, golf and croquet. Rather more unusual was his habit of practicing making speeches to his colleagues in the firm. This was not appreciated, and eventually

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<sup>12</sup> H. A. Taylor, p. 15

<sup>13</sup> *ibid.* p. 15

<sup>14</sup> Ronald Blythe, *The Age of Illusion: England in the Twenties and Thirties 1919-1940* (London 1963, 2001) p. 22

<sup>15</sup> Taylor, p. 16

culminated in a violent assault upon his person, where he was lifted bodily and hurled from the building by a burly colleague.<sup>16</sup>

He seems, in between times, to have distinguished himself as a solicitor, with a good grasp of the necessary paperwork and also a keen sense of how to handle the necessary procedures and officials for a practicing solicitor. He was also a skilled debater – a skill honed both by a school debating society and his unpopular forays into office oratory – which made him a formidable opponent in an action.<sup>17</sup>

At the age of twenty-three, having fulfilled his articles over a five year period, Hicks decided to strike out on his own. This was a bold decision, one fraught with considerable risk, and it seems that initially he found the going difficult. However, after a few years his practice began to grow – not least because he served his clients so well that their opponents started to come to him too. One letter, instructing him to take the steps necessary to collect a bad debt, closed with the immortal words, “I hope you will pursue this man as relentlessly as you pursued me.”<sup>18</sup>

Even at this time, Hicks was showing signs of the peculiarly candid mode of expression that was to so bedevil his political career. Instead of vaguely threatening consequences of moment in sinister innuendoes, he warned opponents to “look out for squalls.” One farmer in Lincolnshire, which was suffering from severe storms at the time, was informed blithely that “his past experiences would be as nothing compared with the tornado that would break over his head if he did not pay what he owed.”<sup>19</sup>

However, his first major breakthrough in terms of work came when his father was voted onto the board of the London General Omnibus Company in 1904. With this new connection, Henry Hicks was able to slip some work his son’s way, and the Board were sufficiently impressed by his industry and capability that his workload from them grew until he finally became their official solicitor. This had the unintended side-effect of making Hicks into an expert on transport law, which he broadened into the study of modern transport

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<sup>16</sup> Taylor pp. 24-5; Blythe p. 22

<sup>17</sup> Taylor, p. 24

<sup>18</sup> *ibid.* p. 27

<sup>19</sup> *ibid.*



more generally. In 1907 he became chairman of the Motor Union, a pressure group on behalf of motorists, and in 1911, when it merged with the Automobile Association, he became chairman of that instead and remained so until entering the government in 1922. While his original work was with cars and omnibuses, he was also a pioneer in the field of aviation and mechanized farm machinery, work that was to bring him minor acclaim in World War I.<sup>20</sup>

In 1894, while on holiday in France, he met Grace Joynson, the daughter of a wealthy Manchester silk manufacturer. She was eight years younger than he was, but Hicks seems to have been quickly interested in her, and they became engaged. This did not, in fact, stop Hicks from completing his tour of the south of France and Italy, although it does seem to have telescoped the Italian leg slightly.<sup>21</sup> They were married the following year, with Hicks adding his wife's maiden name to his own.

There seem to have been persistent rumours, later in Joynson-Hicks' life, that he kept a mistress. These rumours were codified in the 1926 modern dress production of Rutland Boughton's opera *Bethlehem*, where King Herod was played as a modern Home Secretary complete with wife and mistress.<sup>22</sup> However, Rutland Boughton was staging a deliberate and calculated attack on the Establishment in the aftermath of the General Strike, and his production may have been the *cause* of the rumours rather than merely be giving effect to them.

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<sup>20</sup> F. M. L. Thompson, 'Hicks, William Joynson-, first Viscount Brentford (1865–1932)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, May 2006

[<http://www.oxforddnb.com/view/article/33858>, accessed 4 Dec 2007]

<sup>21</sup> Taylor pp. 34-5, Blythe p. 23

<sup>22</sup> See Steve Nicholson, "A Critical Year in Perspective: 1926" in Baz Kershaw (ed) *The Cambridge History of British Theatre Volume III: Since 1895* (Cambridge 2004) pp. 127-142, p. 141: "Herod gives vent to his feelings in regular Joynson-Hick's (sic) style." Michael Hurd also referred to this Herod as the "embodiment of capitalism" (Jesus was born in a miner's cottage for contrast). There can be no doubt of Boughton's commitment to Communism and his estrangement from orthodox religion – he may perhaps have been tempted to go further into a personal and scurrilous attack on a Home Secretary who really did embody both anti-Bolshevism and religious orthodoxy. See Michael Hurd, *Rutland Boughton and the Glastonbury Festivals* (Oxford 1993): for the 1926 production of *Bethlehem*, p. 180; for Boughton's rejection of religion, p. 18; and for his Communism, which endured from the General Strike until his resignation from the CPGB in protest at the treatment of the Hungarian revolutionaries, p. 23, pp. 230-31



On the face of it, Joynson-Hicks, the committed, Puritanical Home Secretary whose ruthless crackdown on promiscuity in Hyde Park nearly forced his resignation, cuts a rather unlikely figure as a womaniser.<sup>23</sup> Neither Taylor nor Blythe make this claim, although Blythe derides the marriage as “useful rather than brilliant,” and there is some evidence to suggest that in later years Sir William and Lady Joynson-Hicks were not especially close.<sup>24</sup> Taylor would refute that notion, describing an ideal marriage which brought Joynson-Hicks “the real blessing of true happiness at home.”<sup>25</sup> It is certainly not impossible that he kept a mistress. It would not have been by any means unusual for a politician of his stature and background to have women other than his wife in his life – Lloyd George, Birkenhead and Curzon being three obvious examples. But in the absence of any hard evidence, it must be considered improbable.

Whatever the truth of his marital state, it is certainly true that in conventional, outward terms of the time the Joynson-Hicks marriage was a success. It brought Joynson-Hicks a very important step in his political career by introducing him to Manchester society, trading on his father-in-law’s connections and established presence in Manchester Unionist politics.

Joynson-Hicks (as he must now be called) had long been interested in politics, symbolized by his insistence on practicing speeches in front of his unfortunate colleagues. In 1898 Joynson’s influence secured his son-in-law’s adoption as candidate for North Manchester, a safe Liberal seat, and one that Joynson-Hicks failed to turn into a Tory one. He came extremely close, cutting the majority of Charles Swann from 455 to 26 in the election of 1900, but that may be due to Swann’s “Little Englander” status and Joynson-Hicks’ jingoism at this key period of the Boer War. The failure to win the seat did not disillusion Joynson-Hicks, who continued to fight for seats in Manchester for ten years, but he later admitted that his career might have been more successful had he been

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<sup>23</sup> See below chapter 8, especially pp. 264-265

<sup>24</sup> Blythe p. 23. During the Savidge crisis (see below chapter 8), Savidge’s father wrote c/o Lady Grace Joynson-Hicks to the Home Secretary. Her reply mentioned that her husband “was away on holiday,” presumably without her. See Lady Grace Joynson-Hicks to J. Savidge, 19th August 1928, in NA HO 144/17754/512746/132

<sup>25</sup> Taylor p. 35



given the eight years in Parliament he was denied by his failure in north Manchester.<sup>26</sup>

The subsequent decline of the Salisbury and Balfour government did not do his prospects much good either. In 1906, at the height of the Tariff Reform furor, he was pitched into battle against the arch-Tory renegade, Winston Churchill. Churchill, first elected in 1900, had left the Unionist benches in 1903 over Tariff Reform for the Liberals. There is some evidence to suggest that the Liberals' social policy, as well as their fiscal policy, had some bearing on this, as he had argued for a measure of social reform to cure the ills of industrial Britain.<sup>27</sup> Since his defection, Churchill had become one of the Liberals' most vicious attack dogs in their pursuit of the Tory government, and as a result had become very unpopular among his former colleagues. Joynson-Hicks was, so far as his uncharacteristically tortuous pronouncements on the subject can be judged, a Balfourite (i.e. in favour of retaliatory tariffs against countries that had already put up barriers to entry in a bid to protect their own economies). It may be unfair to Joynson-Hicks to refer to his position as "tortuous" – Balfour was never very clear on exactly where he stood in the fiscal debate, and his position changed fairly often, presumably because he knew how badly divided his party was on the issue and feared that a firm lead from him might cause it to fracture altogether.<sup>28</sup> According to Richard Rempel, around 55% of all Unionist candidates made the same compromise as Joynson-Hicks, with the large majority of the rest declaring for Chamberlain.<sup>29</sup>

However, this all proved rather irrelevant for two reasons. First of all Joynson-Hicks lost, and lost badly. That was inevitable, given the tide of the electoral process. What was perhaps not foreseen was how bad the particular catastrophe in Manchester would be. Joynson-Hicks himself warned, "if the

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<sup>26</sup> *ibid.* pp. 36-42 describes the campaign.

<sup>27</sup> See Huw F. Clayton, "A Fight for Free Food? The right-wing free traders and Joseph Chamberlain, 1903-1906" MA dissertation, University of Wales Aberystwyth (2005) pp. 20 and 31 for a brief discussion of Churchill's defection, and why it remained relatively unusual among the Unionist Free Traders.

<sup>28</sup> See Taylor, pp. 57-8: cf. Richard Rempel, *Unionists Divided: Arthur Balfour, Joseph Chamberlain and the Unionist Free Traders* (Newton Abbot 1972) pp. 59-60, 129-130

<sup>29</sup> Rempel p. 158

Conservatives lost...Churchill would go flying over like a comet crying "Gentlemen of England, the Conservative stronghold of Lancashire has fallen!"<sup>30</sup> Indeed it did fall, spectacularly, as the Unionists forfeited all their seats in Manchester and its satellite towns, where the casualties included Balfour himself, beaten by 2,000 votes in East Manchester, a seat he had held for twenty years.<sup>31</sup>

The second is that the campaign was fought on issues other than Free Trade at a local level. Joynson-Hicks actually talked predominantly about Poor Law Reform (which he supported) and repeal of the Aliens Act (which he opposed) as well as the Established Church and women's suffrage. Here, then, for the first time, we get the curious dichotomy of the reactionary against the enlightened reformer.

In a recent study, Richard Toye notes that it was Joynson-Hicks and not Churchill who pushed the issue of Old Age pensions in the 1906 election, despite Churchill's later reputation for radicalism. Toye's conclusion that it was as part of a drive to keep Tariff Reform as far from the agenda seems a little unfair.<sup>32</sup> Joynson-Hicks' concern for Poor Law reform would have been of a piece with his later obsession with penal reform in the 1920s, where he set a high standard that subsequent Home Secretaries have struggled to live up to ever since. At the same time there can be no doubt that he would wish to keep off fiscal policy for fear of saying something that would embarrass him, or worse, his leader. The Aliens Act proved rather more problematic for Joynson-Hicks, because of a large Jewish community in the constituency and his flat refusal to even consider repeal of the Aliens Act (which was regarded as anti-Semitic). The difficulties with the Jewish community that this caused were exacerbated by his refusal on religious grounds to attend a Sunday rally for them, and his counterattacks led to the allegations of anti-Semitism that dogged him throughout his life and on into posterity.<sup>33</sup>

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<sup>30</sup> Quoted in A. K. Russell, *Liberal Landslide: The General Election of 1906* (Newton Abbot 1973) p. 147

<sup>31</sup> See Russell, pp148-150, also David Butler and Gareth Butler, *British Political Facts 1900-2000* (revised edition Basingstoke 2005) p. 77

<sup>32</sup> Richard Toye, *Lloyd George and Churchill: Rivals for Greatness* (London 2007) p. 40

<sup>33</sup> Taylor pp. 61-2



It is only fair to add – and this is another complicating factor on the radical/reactionary front – that Churchill also had serious problems with disruptive influences at his meetings. Churchill had not previously been an opponent of votes for women, but as a result of continual heckling by the suffragettes, he changed his views and declared that he did not wish to see women get the vote (although he later withdrew the remark).<sup>34</sup> His views remained ambiguous throughout his life, but there is good reason to think that he opposed the enfranchisement of women in 1928.<sup>35</sup> Joynson-Hicks was let off much more lightly by the suffragettes, but his pleas for them to show restraint towards his rival met with a frosty refusal.<sup>36</sup>

Churchill swept home by 1,241 votes, and Joynson-Hicks was forced to watch as this man, ten years his junior, was able to go off to the career that he coveted. The Unionists nationwide were reduced to a pitiful rump of 157 MPs, under the temporary leadership of Joseph Chamberlain, and his political prospects must have seemed gloomier than ever. It is therefore interesting to note that a mere two years later he had not only avenged his defeat but humiliated the Liberals in the very area where their triumph had been sweetest.

When the Liberal government had first been formed in 1905, the premiership had been taken by the incumbent leader, Sir Henry Campbell-Bannerman, who was in poor health at the time and was not expected to continue for long. Herbert Asquith, long tipped as a future leader and a much younger and more forceful man, had been nominated as the *de facto* heir apparent by being given the Chancellorship of the Exchequer. In 1908 the death of Campbell-Bannerman finally saw Asquith take total control of the Liberal government.<sup>37</sup> It was very clear that one of the winners in the inevitable reshuffle would be Winston Churchill, the man who had comfortably defeated Joynson-Hicks in 1906, and that as a new Cabinet minister he would have to submit himself for re-election to the House of Commons.

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<sup>34</sup> Toye p. 40

<sup>35</sup> See below pp. 74-76

<sup>36</sup> Taylor p. 63

<sup>37</sup> Campbell-Bannerman theoretically resigned, but this was because he had only days to live. He never, in fact, moved out of Downing Street, dying there about three weeks after his resignation.

It was suggested that Churchill should be returned unopposed. The arguments in favour of this were that the requirement for re-election was an archaic one, that a change of government following the death of a Prime Minister was no time to be scoring political points, and that Churchill was such an impressive young MP and minister that he deserved to get on with his work without all the mudslinging and political point-scoring that characterized a by-election. These were all true sound reasons – but the real, overriding reason why the Liberals wished to avoid an election seems to have been because they were nervous about losing it – a fear that was well justified.

Joynson-Hicks absolutely refused to bow to this pressure. He announced that he wished to fight Churchill on the question of Education. Just as Balfour's 1902 Act had enraged the "Nonconformist conscience" by giving only Anglican vicars the right to enter schools to preach, so the Liberals had enraged Anglicanism by taking it away again. However, given the somewhat troubled career of Churchill, who was elected as a Unionist for Oldham in 1900, crossed the floor to the Liberals in 1903, and had subsequently become a savage critic of his old party, it seems unlikely that Churchill would have been granted a simple walkover in any case.

As a result of some inflammatory statements by Joynson-Hicks, the campaign was rather an ill-tempered one. In particular, his continued support for the controversial Aliens Act earned him the hostility of the Jewish community, at whom the Act was widely perceived as being aimed. But he pulled no punches in his attacks on Churchill, referring to him as "a guerilla chieftain who was once a lieutenant of our party." He was also savage in his attacks on the record of the Campbell-Bannerman government, referring with wild exaggeration to policies which had "in two short years...alienated our colonies, thrown away the fruits of the Transvaal war, attempted to gerrymander our constitution, increased our taxation, flouted our religious convictions, let loose chaos and bloodshed in Ireland and are now setting out to attack every trade and institution not prepared to obey the rattle of the radical drum."<sup>38</sup>

Churchill made every effort to force the by-election onto the question of Free Trade against Protectionism (where Joynson-Hicks was again at his most

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<sup>38</sup> From Randolph Churchill, *Winston S. Churchill 1874-1965: Volume II Young Statesman* (London 1967) p. 253



tortuous). But he failed, and the question of policies that had enraged those ex-Tories who had elected Churchill in 1906 loomed large. Randolph Churchill insinuated that the entry of a third candidate into the race, the Marxist Dan Irving, siphoned support away from Churchill. In actual fact it would seem more likely that this would be cancelled out by those voters who were uneasy about Churchill's Radical leanings but could now see there was clear water between him and the Marxists. In any case, even had Irving not stood it would have made no difference whatsoever to the result, as Joynson-Hicks won outright with 50.7% of the vote.<sup>39</sup> It represented a dramatic turnaround from 1906, not only in terms of the swing (although at 6.4% that was high enough) but in terms of the cultural reversal from the position of total Liberal dominance. Of course, the defeat had no real effect on Churchill's career, who simply moved to Dundee and sat for that seat until defeated in 1922 by a Labour candidate. But it was a sweet triumph for the Manchester Tories nonetheless, and one they savoured to the full.

It was however, to prove something of a poisoned chalice for Joynson-Hicks himself. Following the campaign, which had attracted national attention, he seemed to become arrogant in the blaze of publicity, and made two serious blunders. One was to dog him through his life (and indeed on into death) and the other was to seriously hamper his career for more than a decade. He himself later commented, "It is a mistake to win a spectacular by-election...I am afraid that I thought I was a more important person than I really was."<sup>40</sup>

The first mistake was on a personal level. In the aftermath of his victory he was invited to a dinner in his honour given by the Maccabean Society. At this function, he responded to a toast in very unusual, indeed bizarre, not to say rude, fashion:

"I could say that you were a delightful people, that Jews were delightful opponents, that I am very pleased to receive the opposition of the Jewish community and that I am, in spite of all, your humble and obedient servant. I could say that, but it

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<sup>39</sup> Churchill pp. 254-55. The precise figures were Joynson-Hicks 5417 (50.7%) Churchill 4988 (46.7%) Irving 276 (2.6%) (Churchill p257)

<sup>40</sup> Taylor p. 99



wouldn't be true in the slightest degree. I have beaten you all thoroughly and soundly and I am no longer your servant!"<sup>41</sup>

Such feelings towards any defeated block of opponents are understandable – but usually the demands of politics meant that they are not bluntly expressed, certainly not while in receipt of the hospitality of the target of such abuse. As a result, this speech has become a defining position for those who believed that Joynson-Hicks was an anti-Semite. Ronald Blythe is the most obvious example, but in our own time David Cesarani has also repeated these allegations, backed up by a wealth of other evidence. Most of this evidence is rather circumstantial. Cesarani makes great play of Joynson-Hicks' remarks to the Maccabean Society, his support for the Aliens Act, and his consistent failure to apologize for his remarks when offered the chance to do so. Probing Joynson-Hicks' later career, Cesarani also concludes that his pursuit of Rufus Isaacs over the Marconi scandal, his attacks on Montagu over the Amritsar Massacre, and his opposition to a Jewish homeland in Palestine were motivated by anti-Semitism. He also accuses Joynson-Hicks of tightening restrictions on Jewish immigration acting from the same motives.<sup>42</sup> Curiously, rabidly anti-Semitic remarks by one of Joynson-Hicks' opponents, Chaim Weizmann (albeit directed at the Arabs and not the Jews) pass without comment.<sup>43</sup>

On the other hand, both H. A. Taylor and W. D. Rubinstein reject the portrait of Joynson-Hicks as an anti-Semite. Rubinstein in particular sought to refute the evidence marshalled by Cesarani in support of his arguments, with

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<sup>41</sup> Quoted in Blythe, p. 27: quoted from the *Jewish Chronicle*?

<sup>42</sup> Two articles by Cesarani in the late 1980s took this line, although William D. Rubinstein commented that they are "virtually identical." See David Cesarani, "The Anti-Jewish Career of Sir William Joynson-Hicks, Cabinet Minister," *Journal of Contemporary History* 24:3 (July 1989) pp. 461-482, and "Joynson-Hicks and the Radical Right in England (sic) after the First World War," in Tony Kushner and Kenneth Lunn (eds.) *Traditions of Intolerance: Historical Perspectives on Fascism and Race Discourse in Britain* (Manchester 1989) pp. 118-139

<sup>43</sup> Cesarani "Joynson-Hicks and the Radical Right," p. 126, quotes Weizmann as saying about the Arab delegation from the Palestinian mandate, "Happily they are a fifth-rate people, but they make a stink and they are supported by an anti-Semitic clique" (this implicitly included Joynson-Hicks, who was certainly one of their supporters). Weizmann subsequently became the first President of Israel in 1949.



some success. His articles are considerably more detailed than Cesarani's and call many of his fundamental assumptions into question.<sup>44</sup> For one thing, he demonstrated that Joynson-Hicks had in fact *supported* the creation of a Jewish state in Palestine at the time of the Balfour Declaration in 1917,<sup>45</sup> only changing his mind as the dangers and difficulties of establishing such a state in the face of native Arab opposition became clear to him – something Cesarani briefly acknowledged but hurriedly glossed over.<sup>46</sup> For another, and far more importantly, Rubinstein noted that when Cesarani claimed Joynson-Hicks had tried to tighten up immigration laws (with, it was alleged, the aim of stopping Jewish refugees from arriving in Britain) he was conveniently ignoring the fact that as Home Secretary he allowed more Poles and Russians, who would mostly have been Jewish in this period, to take out naturalization than any other Home Secretary, firmly asserting that if they had been resident for a long time, obeyed the law and paid their taxes, integrating into the British state, they should be allowed to become full members of British society. Rubinstein argued that the real reason Joynson-Hicks wanted to keep out immigrants was the one he gave in Parliament – that there were one million unemployed, and that more workers to compete for jobs would cause further hardship and possibly resentment.<sup>47</sup>

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<sup>44</sup> See W. D. Rubinstein, "Recent Anglo-Jewish Historiography and the Myth of Joynson-Hicks's Anti-Semitism," Parts I and II, *The Australian Journal of Jewish Studies* Volume 7 part I pp. 41-70 and part II pp. 21-43 respectively (1993).

<sup>45</sup> A letter of 2nd November 1917 by the then Foreign Secretary, Arthur Balfour, to Lord Rothschild, stating the Cabinet's sympathy with the aim of the establishment a Jewish national home in Palestine and their wish to use their "best endeavours to facilitate the achievement of this object," as long as such a state did not compromise the interests of the indigenous peoples. This objective was later incorporated into both the Treaty of Sèvres and the Mandate of Palestine. The original letter is now at the British Library.

<sup>46</sup> Ibid. part I p. 54; "although he [Joynson-Hicks] was certainly an anti-Zionist in 1922, he was an equally strong Zionist...in 1917:" cf. Cesarani "Joynson-Hicks and the Radical Right," p. 126; "Churchill...[made] full use of pro-Zionist declarations submitted to the *Zionist Review*, in 1917, by Joynson-Hicks and other current anti-Zionists," which is the only mention he makes of Joynson-Hicks' change of heart.

<sup>47</sup> Rubinstein part II, pp. 24-27: cf. Cesarani "Joynson Hicks and the Radical Right" pp. 128-131, in which he claims that there were acute difficulties and delays "of years" in naturalizations of Jews in this period, plus deportations of Jews for various "petty offences." He offers no details to back these vague remarks, and his supporting evidence is a select committee report of early 1925



Yet this work did not escape criticism either, as a stinging response from Geoffrey Alderman the following year made clear. In this, he accused Rubinstein of reading the evidence superficially in order to take anti-Semitic remarks that were officially directed at “Bolsheviks” or “Aliens” at their face value. He also put forward the argument that Joynson-Hicks’ change of heart over Zionism between 1917 and 1922 was due not to the evidence that Zionist aspirations might be troublesome or costly, but due to an ingrained anti-Semitism, which he was openly flaunting as a member of “a group of Gentile anti-Zionists who were also notorious anti-Semites.”<sup>48</sup> Rubinstein, in a further article as part of an increasingly heated correspondence, dismissed this as “simply wrong, even allowing the fallacious use of guilt by association” and challenged Alderman to name one of these “notorious anti-Semites” (a challenge which, due to the closure of the correspondence on the subject, Alderman was never able to take up).<sup>49</sup>

The reason for this sensitivity on the question of anti-Semitism is, as Jonathon Hopkins shrewdly pointed out, largely the result of a dramatic shift in context that occurred after 1945.<sup>50</sup> After the Holocaust a large number of opinions to do with racial identity that had previously been considered respectable, even normal, became unthinkable, and those who had held them quietly dropped them.<sup>51</sup> Joynson-Hicks, who died before Hitler even came to power, or John Buchan, who died in 1940, had no opportunity to defend themselves from being tarred with the brush of a subsequent set of values.

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on the subject, at which point Joynson-Hicks had been in office only nine months, not “years,” and which could have no bearing on the matter at hand.

<sup>48</sup> Geoffrey Alderman, “Recent Anglo-Jewish Historiography and the myth of Joynson-Hicks’s Antisemitism: a Response,” in *The Australian Journal of Jewish Studies* Volume 8 part I (1994) pp. 112-121: for anti-Semitic remarks hidden in another guise, p. 114: on Zionism, p. 117

<sup>49</sup> W. D. Rubinstein, “Professor Alderman and Jix: A Response,” *The Australian Journal of Jewish Studies* Volume 8 part II pp.192-201, p. 193

<sup>50</sup> Jonathon M. Hopkins, “Paradoxes personified: Sir William Joynson-Hicks, Viscount Brentford and the conflict between change and stability in British society in the 1920s,” University of Westminster MPhil thesis (1996) p. 124

<sup>51</sup> Another popular or at least widespread form of thinking made unacceptable by the Holocaust was eugenics, or “Darwinism,” (after Charles Darwin from whose theories of evolution it was loosely derived) necessitating some retractions by, for instance, Aldous Huxley: see David Bradshaw, “Introduction” to *Brave New World* (London 1994) pp. vi-viii



Probably, as Hopkins concluded, the strong Evangelical influence upon Joynson-Hicks made him intolerant of beliefs that differed strongly from his own. For instance, a very good case can be made out for a rabid anti-Catholicism, there is no doubt through the evidence amassed for the body of this thesis that Joynson-Hicks regarded avant-garde social and cultural practices with a mixture of disgust and contempt, and that is even before the violent anti-Bolshevism that defined his tenure as Home Secretary is discussed.<sup>52</sup> But it is a major leap to take from saying that he held something in contempt to saying that he was actively working against Jews from pure prejudice, as Cesarani does.<sup>53</sup> The overall evidence is not wholly conclusive, partly because Joynson-Hicks sometimes changed his position on various matters, the Balfour Declaration for example, but it certainly does not strongly support the theory that Joynson-Hicks was an anti-Semite.

The best answer to charges of anti-Semitism is not to comment that many perfectly respectable Tories regarded the Jews with a mixture of patronising amusement and contempt, although it is not difficult to find evidence of such an attitude in the writings of Buchan or Dorothy L. Sayers.<sup>54</sup> It is simply to say that while there can be very little doubt that Joynson-Hicks did regard the Jews as less blessed than himself as a white, Protestant Englishman, he was not an active or dangerous anti-Semite along the lines of a Hitler or even

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<sup>52</sup> Hopkins pp. 123-124

<sup>53</sup> Cesarani "The Anti Jewish career," pp. 471-2

<sup>54</sup> See, for instance, Dorothy L. Sayers, *Whose Body?* (London 1923:1977): "it must be very inconvenient, what with not working on Saturdays and circumcising the poor little babies and everything depending on the new moon and that funny kind of meat they have with such a slang-sounding name, and never being able to have bacon for breakfast," (p. 46): and cf. John Buchan most notoriously in *The Thirty-Nine Steps* (London 1914) "The Jew is everywhere, but you have to go far down the backstairs to find him...a little white-faced Jew in a bath chair with an eye like a rattlesnake," *The Penguin Complete Richard Hannay* (London 1992) p. 8. Sayers had a Jewish lover (John Cournos) and her work was first published by Victor Gollancz – Buchan was active on behalf of Jewish refugees in the 1930s and was in Hitler's "Black Book" of people to be arrested after the invasion of Britain for that reason. Both of these sentences were spoken by characters in their works of fiction as part of the characterisation process (respectively the scatty Dowager Duchess of Denver and the paranoid Scudder) but are often wrongly taken to represent the views of the authors; cf. Richard J. Evans, *Telling Lies About Hitler: The Holocaust, History and the David Irving Trial* (London 2002) p. 202, where David Irving claimed Scudder's remark showed anti-Semitic prejudice by Buchan.



a Belloc. It may indeed be that his reservations about an Israeli homeland in Palestine and his statement that he would award citizenship to an immigrant who had adopted English as a first language and an English way of living from choice, rather than one who kept up as far as possible the cultural and linguistic traditions of his birth sprang from anti-Jewish prejudice.<sup>55</sup> But such statements did not make him some kind of crypto-fascist, and to suggest otherwise is to overstate the case.

Joynson-Hicks' second mistake was less disastrous in terms of his long-term reputation, but more serious in the immediate effect it had upon his political career. Following his great victory, bloated with the importance of his triumph from the immense press coverage it had received, he made a disastrous maiden speech.

On the 18th May 1908, the House of Commons debated a new Elementary Education Act. For sectarian reasons, it had previously proven impossible to find a satisfactory lasting solution to the issues raised by the 1902 Education Act, which had so angered Nonconformists.<sup>56</sup> Both Catholics and Anglicans were uneasy about proposals that might weaken the right of parents to determine the sort of religious instruction given in schools. John Redmond, leader of the Irish Nationalists, had been on his feet to denounce the proposed compromise as offending against a point of principle – “rightly or wrongly, we consider it inimical to our religion.”<sup>57</sup> He was not the only Irish nationalist to denounce it, claiming that it was an offence against a point of principle. Education had played a crucial part in the Manchester by-election, and Joynson-Hicks took the opportunity to jump to his feet on the subject. Forgetting the modesty that usually attends such occasions, and failing to accustom himself to the difference between a hustings platform and the House of Commons, he proceeded to berate the House as though he were the official Unionist spokesman on the issue:

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<sup>55</sup> Cesarani “Joynson-Hicks and the radical right” pp. 123-4, 131-2

<sup>56</sup> See Hugh McLeod, *Religion and Society in England, 1850-1914* (Basingstoke 1996) pp. 92-3 for a brief discussion of the difficulties in this field.

<sup>57</sup> Hansard, *Parliamentary Debates 1066-1918: Parliamentary Debates 1892-1908* (fourth series) Volume CLXXXVIII (1908) column 1702



“Mr JOYNSON-HICKS (Manchester North-West) said he wished to congratulate the hon. Member for Louth on the speech he had just delivered...he assumed then that they would have the hon. Member’s support in the lobby against the Second Reading of the Bill. He had ventured to intervene in the debate because the education question had played a very prominent part in the recent election in North-West Manchester. He little thought that in his first speech in the House of Commons he would find himself in accord with the hon. Member for Waterford [Parnell].”<sup>58</sup>

Already Joynson-Hicks had forgotten that he was not speaking for the entire Unionist party (referring to “they[we]” instead of “he[I]”). But things got worse. His speech became one long, sustained harangue against the Liberal minister, who had virtually all his past inconsistencies on the subject flung back at him (given how thorny a question this was, there were a number) and finally was accused of something far worse – trying to enforce secularism on the country;

“It might be possible for the other side to force a short bill through the House, or through the country, largely owing to the votes of hon. and right hon. Gentlemen who were elected by a proportion of Great Britain which was not affected by the bill.”<sup>59</sup> At all events they [the Opposition] refused it on that side of the House. Whatever might be their position in the House, outside they were supported by an increasing body of opinion. While they were willing, absolutely willing, to consider a scheme of conciliation or compromise which would preserve the rights of churchmen, as were preserved the rights of Roman Catholics, they would not compromise in any shape or form as to any proposal which gave one iota less to the Church of England than was given to Roman Catholics, or Jews, or Nonconformists. The

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<sup>58</sup> *ibid.* column 1714.

<sup>59</sup> The bill applied to England and Wales – the Irish Nationalists seem to have opposed it on behalf of Catholics in England, who were not numerous at this time. It seems therefore logical to assume that Joynson-Hicks was referring to Scottish MPs – such as Asquith himself, and his late rival Churchill.

Government might force the Bill through the House if they liked, but he would tell them that if the Opposition had not a majority today they very nearly had it, and it was not for them to suggest terms of compromise. They would wait until the time came when they could dictate terms to the other side, and they would not accept any compromise which did not meet all forms of rights, or, as it had been shortly put, which did not provide that every man should have his child educated in his own religion out of the rates he himself paid.”<sup>60</sup>

It seems to say the least doubtful whether Balfour was entirely happy at having his room to manoeuvre stripped away by one backbencher claiming to speak for the entirety of a party to which he had only newly come. Such behaviour was pure arrogance on the part of Joynson-Hicks. The *Evening Standard* laconically noted, “It was good of Mr. Joynson-Hicks to come and speak to the House this week.”<sup>61</sup>

Quite clearly Joynson-Hicks had become puffed up with his own importance. But it is important to emphasise that he *always* spoke with a wild exaggeration of language – both before and after 1908. His earlier comments telling opponents to “look out for squalls” and later on, an intemperate stance on Ulster, both revealed the same total inability to moderate his language in the interests of prudence, tact, politics or indeed stability. While in 1906 one backbencher made a truly magnificent maiden speech and spent most of the rest of his political career struggling to live up to the promise that most of his contemporaries saw, before dying young in 1930 from persistent alcohol abuse, Joynson-Hicks was not F. E. Smith and he failed to set the same standard of brilliant invective and masterful attack that saw Smith rise so fast to the top of the Unionist hierarchy.<sup>62</sup>

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<sup>60</sup> *ibid.* columns 1721-22

<sup>61</sup> Taylor pp. 100-101. These mistakes took place in the reverse order (i.e. his Parliamentary mistakes came first) but it seemed more logical to deal with them in this fashion.

<sup>62</sup> For a brief biography of F. E. Smith, see John Campbell, ‘Smith, Frederick Edwin, first earl of Birkenhead (1872–1930)’, *Oxford Dictionary of National*



Years later, after Joynson-Hicks had died, Stanley Baldwin was quoted as saying that “he may have said many foolish things but he rarely did one.”<sup>63</sup> It is true that Joynson-Hicks was usually sounder on the practical side of politics and administration than he was in his rhetoric. Yet rhetoric is a large part of what politicians do. If Joynson-Hicks said foolish things then in effect he *was* doing something foolish. At the very least, this calls his judgement into question. Moreover, some of the remarks he made later actually called his mental balance into question as well.

At the very least, his unfortunate first foray into Parliamentary oratory confirmed his status as a “natural” backbencher, of a certain level of ability but intemperate and lacking in judgement. His rhetoric over the next few years did nothing to dispel the earlier doubts that had been raised – rather it confirmed them. During the Ulster crisis prior to the First World War, he emerged as a savage critic of the blundering attempts of Asquith and Churchill to control the increasingly tense situation by military means, urging them to “Fire if you dare! Fire and be damned!”<sup>64</sup> In between, however, he had modest success. In 1910 he lost Manchester North-West, but immediately returned as the member for Brentford, which was much more convenient for his London home. During the Parliament Act crisis he declared that he had no objection to an all-elected second chamber, on the grounds that a chamber elected on a hereditary principle was an anachronism, at odds both with his perceived status as a Diehard and Unionist policy of salvaging what they could of the House of Lords with its huge inbuilt Unionist majority.<sup>65</sup> He also severely embarrassed Colonel Seely, the Secretary of State for War, when he revealed that there were only 43 aircraft in a fit state to take to the air in the British armed forces, not the 120 Seely had claimed on the floor of the House. The government’s majority fell to 33 on the question (notionally with the Irish and Labour members it should have been over 100) and Joynson-Hicks had established himself as a leading authority on

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*Biography*, Oxford University Press, Sept 2004; online edn, Jan 2008  
[<http://www.oxforddnb.com/view/article/36137>, accessed 14 Jan 2008]

<sup>63</sup> Leo Amery, diary entry for 8th June 1932, in John Barnes and David Nicholson (eds.) *The Leo Amery Diaries Volume II: The Empire at Bay 1929-1945* (London 1988), p. 240

<sup>64</sup> Taylor p. 127

<sup>65</sup> *ibid.* p. 120



aircraft in the House of Commons – fortuitously, although his previous experience in motor transport made him perhaps a natural candidate for such a role, given that aircraft were to become increasingly important in World War One.<sup>66</sup>

During the war itself Joynson-Hicks remained in Parliament, but raised a regiment known as the “Middlesex Footballers” for the fighting in France. He refused an honorary Colonelcy on the grounds that he was only doing his duty for his country, and deserved no recognition for it.<sup>67</sup> He also maintained the pressure on the question of air defence, but was not considered for any vacancy in a ministerial post, not even at the new Air Board he had helped create. Taylor attributed this to some “malignant influence which seems to be at work.”<sup>68</sup> In actual fact it seems much more likely that he was generally distrusted by those in authority for his previous intemperance. Throughout the war, Britain had a Liberal Prime Minister, first Asquith and then Lloyd George, neither of whom had had any reason to be well-disposed to Joynson-Hicks before the war, and who would have seen no particular reason to press his claims to office over, say, Birkenhead, Austen Chamberlain, Balfour, Bonar Law, Sir Robert Horne or Lord Robert Cecil. It is worth noting that Joynson-Hicks was not the only one so frozen out: Neville Chamberlain, for all his vast ability and high-level connections, was only briefly utilised as Minister for National Service and then dismissed partly because Lloyd George took a very intense dislike to him on wholly irrational grounds.<sup>69</sup>

In 1919 Joynson-Hicks’ war work was recognised by the awarding of a baronetcy. Even Taylor admits that he was extremely depressed by this. At the

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<sup>66</sup> *ibid.* pp. 125-127

<sup>67</sup> Taylor pp. 134-135; Blythe p. 28.

<sup>68</sup> Taylor p. 142

<sup>69</sup> Robert Blake, *The Conservative Party from Peel to Major* (London 1997) pp. 227-8 comments that Lloyd George took a dislike to the shape of Chamberlain’s head, and treated him in such a way as to force his resignation a few months later. It is only fair to say that Robert Self blamed Chamberlain’s unhappy tenure more largely on the newly-formed department and Neville Chamberlain’s own blunders, including his habit of refusing to change his mind once it was made up, although he does not deny the role that physiognomy played in Lloyd George’s attitude towards him. See Robert Self, *Neville Chamberlain: A Biography* (Aldershot 2006) pp. 50-63 for a detailed account of Neville Chamberlain’s tenure of this office and the difficulties he encountered.



age of fifty-three, with a sterling record of war service behind him, a specialism in transport that had been disregarded by those in authority (he was also overlooked for any sort of post at the newly-formed Department of Transport in 1919) and no post in government in all that time while his contemporaries Churchill and Birkenhead soared aloft, he thought his political career was at an end.<sup>70</sup>

In actual fact his political career was about to unexpectedly blossom. This was largely due to fortuitous factors wholly outside his control, but saw him catapulted in a mere five years from obscure backbencher to Home Secretary.

The first upturn in Joynson-Hicks' fortunes came as a result of his decision the following year to pay a trip to India. His views on India were unquestionably and solidly Diehard. He had once publicly commented that India was not being run for the benefit of the Indians, but solely for the benefit of the British: "I know it is frequently said at missionary meetings that we conquered [India] to raise the level of the Indians. That is cant...We hold it as the finest outlet for British goods in general, and for Lancashire cotton goods in particular."<sup>71</sup> While he was undoubtedly quite correct in this analysis, the idea of say, Birkenhead or Montagu, both of who served as Secretary of State for India, saying such things (despite the fact that Birkenhead was also a Diehard) is ridiculous.

By a coincidence, his visit took place in the shadow of the Amritsar Massacre. This event – known as the Jallianwalla Bagh Massacre to Indians, after the walled garden in which it happened – was highly controversial, and has remained so. To reduce to its lowest common denominator, after a series of riots and strikes General Reginald Dyer, the military chief of the city of Amritsar in the Punjab (very close to what is now the India-Pakistan border) imposed *de facto* martial law, including a curfew and a banning of assemblies. When a crowd gathered at the walled Jallianwalla Bagh garden in the city in defiance of this order, Dyer ordered 90 troops to fire on the crowd without warning. They expended 1,650 rounds of ammunition and killed a minimum of 379 people (Indian estimates are a good deal higher). The troops also withdrew

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<sup>70</sup> Taylor pp. 144-5

<sup>71</sup> Blythe, pp. 27-28

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immediately without allowing any time for treatment of the many wounded (officially estimated at 1,200, although again Indian estimates are nearer two thousand). Subsequently, to further stamp his authority on the already cowed city, Dyer ordered that all native Indians must go down a street where a white female missionary had been assaulted on their hands and knees during the hours of daylight, and had six men, who had been convicted of a felony unrelated to that crime, flogged there. As the houses on that street had no back entrances, and a curfew was still in force, the residents were forced to crawl to their houses in a repellent mix of mud and effluent.

The questions posed by the Amritsar massacre are not especially germane to this thesis. On a purely human question, the estimates of the dead and injured vary widely, yet seem likely to have been higher than the “official” figure.<sup>72</sup> Yet Dyer was also, curiously, made an honorary member of a Sikh temple in the city for his actions, despite the fact that many of the dead were Sikhs from the surrounding villages come in for an important religious festival.<sup>73</sup> What also cannot be denied, unless he genuinely did fire on a riot, which seems unlikely given that nobody now claims that the members of the meeting were armed, was that he applied far more than the minimum force required. A volley over the heads of the crowd would probably have dispersed them. The edict ordering all Indians to go down a street on their hands and

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<sup>72</sup> See Nigel Collett, *The Butcher of Amritsar: General Reginald Dyer* (London 2005: 2007) p. 263 for some of the estimate, which range from 200 dead to 1,500 (nobody has even attempted a reliable figure of wounded). A recent investigation concluded that the British figure of 379 dead and 1,200 wounded was possible but definitely on the low side: estimates of over 850 dead and 2,000 wounded were suggested to be out of the question given the ammunition expended and the type of gun used, and this was the upper limit offered. H. F. Clayton and S. R. Dunbar (joint presentation) “The Massacre at Jallianwala Bagh, Amritsar: Some Thoughts on the Casualty Figures.” Paper presented at Peterhouse College, Cambridge, as part of the Warfare and Organised Violence Workshop, 10th March 2009.

<sup>73</sup> See T. R. Moreman, ‘Dyer, Reginald Edward Harry (1864–1927)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004, for an excellent brief discussion [<http://www.oxforddnb.com/view/article/32947>, accessed 14 Jan 2008]. This subsequently proved highly controversial: it seems that one elder who was particularly sympathetic to the British was involved, and he was subsequently disowned by the Sikh League. See Derek Sayer, “British Reaction to the Amritsar Massacre 1919-1920” *Past and Present* 131 (1991) pp. 130-164 p. 144



knees was quite simply indefensible, and of a piece with his disproportionate action at Jallianwalla Bagh. He himself later admitted that he had been aiming not to disperse the crowd (which was all he was entitled to do by law) but to produce a “moral effect” that would terrify the entire Punjab and stop the unrest, which was also the reason for his “crawling order.”<sup>74</sup> Despite a wave of outrage and horror from many in India and in Britain, he maintained until the day of his death in 1927 that he had done the right thing.

In this attitude he had powerful supporters, and Joynson-Hicks, never one to dodge controversy, was right in the thick of them. He made a point of visiting Amritsar and endorsing Dyer’s actions (all of them, including the “crawling order”) before speaking powerfully against Edwin Montagu, the Secretary of State for India and one of Dyer’s chief critics, in a motion of censure on Dyer in the House of Commons, which the government very nearly lost because of a major backbench rebellion. Montagu was not compelled to resign as Secretary of State for India as a result, but his position, in the words of one biographer, was “severely shaken.”<sup>75</sup>

Joynson-Hicks had now proven, crucially, that he was “sound” on the issue of India. This was of particular importance as in 1920 the Unionists were fracturing while the party was under the official leadership of Bonar Law and the effective leadership of Lloyd George.<sup>76</sup> The Diehards, who were fighting against the continuation of the coalition led by Lloyd George had nobody of the power of Austen Chamberlain, Law, Horne, Balfour, Birkenhead, Curzon or

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<sup>74</sup> “It was no longer a question of merely dispersing the crowd; but one of producing a sufficient moral effect, from a military point of view, not only on those who were present but more specially throughout the Punjab. There could be no question of undue severity.” Written statement of Brigadier-General R. E. H. Dyer, commanding 45 brigade at Amritsar; dated Dalhousie, 25th August 1919, in evidence to Lord Hunter’s enquiry on the massacre, in NA CAB 27/92, beginning at p. 200. All the evidence for what happened at Amritsar is derived from this file, which consisted of the enquiry’s reports and the evidence presented to it, unless otherwise stated. See above for a discussion of Lawrence’s work on the fear of violence in interwar Britain, pp. 26-27

<sup>75</sup> Chandrika Kaul, ‘Montagu, Edwin Samuel (1879–1924)’, *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Jan 2008 [<http://www.oxforddnb.com/view/article/35074>, accessed 14 Jan 2008]. Montagu was Jewish: this episode was one of the incidents marshalled by David Cesarani in his bid to prove that Joynson-Hicks was an anti-Semite: see Cesarani, “Joynson-Hicks and the Radical Right”, p. 123

<sup>76</sup> Blythe p. 30



Long on their side – their only effective leader was Lord Salisbury, with Sir Samuel Hoare, a moderate figure, providing some leadership from the back benches in the House of Commons. But Joynson-Hicks now offered his boundless energy and talent for savagery to the destruction of Lloyd George, emerging not as a leader, but as an important figure in the right-wing opposition to him. However, his personal stature remained low, and he was still regarded to some extent as a crank by the leadership.<sup>77</sup>

This may be one reason why they wildly under-estimated the threat this group posed. It became especially acute after Bonar Law's first retirement in 1921. In the ensuing jockeying for the leadership of the party in the House of Commons, Austen Chamberlain emerged victorious. However, Joynson-Hicks tried to thwart Chamberlain by supporting the claims of Birkenhead. Quite what he hoped to achieve by this, given that Birkenhead was in the Lords and therefore ineligible for the only post officially under discussion, is not clear. Most likely he was simply trying to force Chamberlain out of the overall leadership of the party (which was a matter of prestige and custom between the leaders of the Commons and the Lords, and not as now an official title) by appointing a heavyweight, one with known Diehard tendencies, into the position of Leader of the Lords over the head of Lord Curzon. It was, however, always an attempt doomed to failure, for as Frederick Guest (the Liberal Coalition Chief Whip) commented, Joynson-Hicks' assistants were only "a handful." Guest was in no doubt as to the motive either: "Hicks is the chief mover; but his motives have an ulterior object, namely the splitting of the coalition. You will recall he has been on this line for some months."<sup>78</sup>

Yet within twelve months, the Diehards had achieved this very goal. In actual fact, they were not of themselves very important in the Carlton Club meeting that saw Chamberlain's fall, bigger roles being played by Baldwin, Curzon, Derby and above all Bonar Law. Following Law's rise to the

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<sup>77</sup> See Kenneth O. Morgan, *Consensus and Disunity: The Lloyd George Coalition Government 1918-1922* (Oxford 1986) chapter 10 and Maurice Cowling, *The Impact of Labour 1920-1924: The Beginnings of Modern British Politics* (Cambridge 1971) pp. 184-185

<sup>78</sup> Frederick E. Guest to David Lloyd George, 19th March 1921, quoted in Max Aitken (Lord Beaverbrook) *Decline and Fall of Lloyd George: and great was the fall thereof* (London 1963) p. 21



premiership they reaped their reward, as they entered government in place of the dispossessed Coalition ministers, who chose to remain on the back benches out of anger at being dismissed.<sup>79</sup> But Joynson-Hicks remained outside the Cabinet. He was given the position of Parliamentary Secretary to the Department of Overseas Trade, working under Sir Phillip Lloyd Graeme.<sup>80</sup> This was a disappointment again to Joynson-Hicks, who was not only older and more experienced but also much more energetic and arguably abler than his superior. However, his family persuaded him to accept the post (refusal would have marked effective retirement from politics) and it subsequently became the basis of his success. In the following general election, as he held a safe seat (and was returned unopposed) he could fight a national campaign – something that was needed given the absence (or even outright hostility) of the ex-Coalition ministers.<sup>81</sup>

Following the defeat of Arthur Griffith Boscawen, the Minister of Health, in the election, Bonar Law was obliged to reshuffle, and Joynson-Hicks found himself appointed Postmaster and Paymaster General – still outside the cabinet, but now his own master. He had very little time in which to make his mark, however, as Bonar Law retired after another eleven weeks, and a man who had known Joynson-Hicks ever since 1908, and who had sat on the backbenches with him for eight years before attaining Cabinet rank in 1917, came to power, very unexpectedly, instead.

The manoeuvres that saw Stanley Baldwin preferred to Curzon for the premiership have been thoroughly analysed elsewhere.<sup>82</sup> But from Joynson-Hicks' point of view, it was the best possible result. He had already become a reliable junior minister – now, as Baldwin tried to entice the prestigious former Liberal Chancellor Reginald McKenna into the government, he was paid perhaps the ultimate tribute. While McKenna looked for a seat that would elect him to Parliament, Baldwin continued as nominal Chancellor of the Exchequer

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<sup>79</sup> The most notable exceptions were Lord Curzon, who remained Foreign Secretary and continued to lead the Unionists in the House of Lords, and Stanley Baldwin, the former President of the Board of Trade, who had rebelled against Lloyd George and became Bonar Law's Chancellor of the Exchequer.

<sup>80</sup> Later changed his name to Phillip Cunliffe Lister.

<sup>81</sup> Taylor pp. 163-165

<sup>82</sup> Probably the best account, despite its age, is in Robert Blake, *The Unknown Prime Minister: the life of Andrew Bonar Law* (London 1955) pp. 518-27



– but he appointed Joynson-Hicks Financial Secretary to the Treasury, with a seat in the Cabinet, to oversee the day-to-day running of the Treasury.<sup>83</sup>

As it happened, McKenna, who had immense financial experience, great prestige in the City and, as an Asquithian Liberal, impeccable anti-Lloyd George credentials, was unable to find a seat that would take him. Accordingly he declined the offer Baldwin had made him. It seems Joynson-Hicks genuinely hoped to be appointed Chancellor instead.<sup>84</sup> However, that would have been not so much a remarkable rise as a ridiculous over-reach. Experience matters in politics, and while Joynson-Hicks had made enormous strides in a few months, his ministerial experience remained thin. Instead, Neville Chamberlain was made Chancellor, and so marked out as the coming man in the Government. Joynson-Hicks was made Minister of Health in his place.<sup>85</sup>

However, he was not permitted long in which to enjoy this post – which was a much larger and more prestigious department than it is now, also dealing with local government, housing and various minor matters now brought under the Department of the Environment. Late in 1923, Baldwin announced that he felt Britain should once more consider the question of Free Trade and Protection, which had so bedevilled Balfour's government. Feeling himself bound by a promise Bonar Law had given during the 1922 general election that there would be no revisiting of the "fiscal question" in that Parliament, he dissolved the Parliament and had an election.

The best that can be said for this is that his decision was not catastrophic, but it was certainly a serious blunder. The Conservatives were reduced from 345 to 258 seats, short of the combined total of 191 Labour and 156 Liberal votes, both of whom campaigned against Protection. When Parliament met again, in 1924, these last two lost no time in turning out the government and installing a minority Labour administration. Asquith, in what was to prove his last session in the House of Commons, refused to allow an "anti-Socialist" allowance, on the grounds that the election had been fought on

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<sup>83</sup> *ibid.* pp. 167-169

<sup>84</sup> Blythe p. 30

<sup>85</sup> Keith Middlemas and John Barnes, *Baldwin: A Biography* (London 1969) p. 176

Free Trade and it made sense to allow the larger of the two Free Trade parties to form the government.

Baldwin now came under severe pressure. Having abandoned a position of strength, and allowed in a Labour government – the very thing that most members of his party had been jockeying desperately to avoid for the previous six years, since Labour became a serious contender for power – his judgement was questioned, and his position extremely shaky. Taylor was, however, quite wrong in claiming that Joynson-Hicks made no active move against Baldwin at this time. While Joynson-Hicks may indeed have publicly expressed his support for Baldwin in the *Sunday Chronicle*, his record was not clean.<sup>86</sup> He discussed the possibility of becoming party leader himself with Lord Derby, a senior Tory peer (although surely did not have his name “freely expressed” in the party as a possible candidate).<sup>87</sup> Middlemas and Barnes put him in the thick of a plot to persuade Balfour (an ex-Prime Minister on whose judgement it was thought the King relied) to advise the King to send for the Earl of Derby or Austen Chamberlain rather than MacDonald, the Labour leader, should Baldwin resign as Prime Minister without meeting Parliament. As these writers correctly noted, these plotters represented “the hard core of the right wing.”<sup>88</sup> Precisely which candidate Joynson-Hicks favoured is unclear. He undoubtedly consented to try and persuade Baldwin to step down in favour of another Unionist as Prime Minister: one of Birkenhead, Austen Chamberlain or Balfour.<sup>89</sup> It seems reasonable to assume that, given the choice, he would have preferred either to lead the party himself or the Diehard peer Derby to the leadership of any of those three given his record of anti-Coalition activity in 1921 and 1922. However, it should not be forgotten that he would have undoubtedly preferred one of them (Austen Chamberlain being the frontrunner) to MacDonald should that be the only choice. As an aside, that was the only choice on offer (and was, in any case, later proven to be an illusory choice anyway). There was no prospect of Joynson-Hicks becoming leader himself – he was still too junior –

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<sup>86</sup> Taylor p. 172

<sup>87</sup> Cowling p. 384

<sup>88</sup> Middlemas and Barnes p. 251

<sup>89</sup> Cowling pp. 332-333



and Derby had long made it clear that he did not wish to become Prime Minister.

The plotters had no chance of succeeding. Balfour, whose backing would be crucial and whom Birkenhead had taken for granted in assuring Joynson-Hicks of his support, refused to go along with this plot and thereby made carrying it out impossible, leaving Joynson-Hicks in "great indignation" against Birkenhead.<sup>90</sup> Baldwin's back was stiffened by the Home Secretary, Willy Bridgeman,<sup>91</sup> and he decided to meet Parliament. By the time he met it, it was clear that the Liberals (whose votes held the balance) would not back any Tory as Prime Minister, so it was MacDonald or nobody, and Balfour's advice was neither asked nor needed. In the event, the Labour government that took office was a poor, weak thing, offering far less talent or experience even than Bonar Law's divided government. After a miserable ten months the Liberals withdrew their support, and in the subsequent election the Unionists<sup>92</sup> swept home to a conclusive victory, taking three-quarters of the Liberals' seats and a quarter of Labour's. It gave them a huge majority and guaranteed them a further five years in power.

On the excellent testimony of Tom Jones, we know that Baldwin intended to do comparatively little reshuffling of posts, even to accommodate the newly-returned Coalitionists. Bridgeman and Neville Chamberlain were slated to keep their places, with Curzon the main casualty as he made way for Austen Chamberlain. Joynson-Hicks cannot have been a bad Health minister, as Baldwin also intended to leave him where he was.<sup>93</sup> Such an appointment might have made sense. Joynson-Hicks had immense administrative and legal experience, no fear of hard work, and an interest in Poor Law reform that can be easily traced to 1906.

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<sup>90</sup> *ibid.* pp. 333-334

<sup>91</sup> William Bridgeman (1864-1935) 1st Viscount Bridgeman (1929): Home Secretary 1922-24, First Lord of the Admiralty 1924-29, Chairman of the BBC Board of Governors 1935: also played a decisive part in salvaging Baldwin's leadership in 1930 by injecting some new confidence into him during his battle with the press lords.

<sup>92</sup> In 1925 they readopted the name "Conservative," although right down to the present day they are officially "The Conservative and Unionist Party" and are known by this full title in Scotland.

<sup>93</sup> Edited by Keith Middlemas, Tom Jones, *Whitehall Diary Volume I 1916-1925* (Oxford 1969) pp. 301-303

But it did not quite work out that way. While Austen Chamberlain was safely anchored at the Foreign Office, Neville Chamberlain refused the Treasury and said, to Baldwin's astonishment, that he would rather go to Health.<sup>94</sup> With hindsight, this was a good decision, as Neville Chamberlain pushed through massive reforms of the Poor Law that Joynson-Hicks would not have had sufficient prestige for, but it left several awkward questions to be answered – such as, who was to be given the Treasury, and where was Joynson-Hicks to go? Leaving aside some speculation that he might be made Chancellor after all, it could be seen as a serious problem.<sup>95</sup>

In the event, this triangle was solved rather simply. Winston Churchill, to whom Baldwin had intended to offer the Admiralty, to his delight and astonishment was made Chancellor instead, with Willy Bridgeman taking over the Navy.<sup>96</sup> That left a vacancy at the Home Office, which was offered to Joynson-Hicks, who immediately accepted, delighted at gaining a position which he regarded as eminently suitable for him.<sup>97</sup>

The Cabinet thus formed has come in for a great deal of criticism. Curzon (one of the great losers of the reshuffle, who was demoted from Foreign Secretary to Lord President of the Council to make room for the returning Austen Chamberlain) commented that it was “impossible to imagine a stranger collection of round pegs in square holes.” His biographer added that “the Cabinet did indeed contain some bizarre appointments...the placing of Austen Chamberlain at the Foreign Office was in fact one of the more sensible decisions.” The appointments of Birkenhead and Churchill were singled out for particular criticism: the Diehard in control of India and a man who has come to be regarded as an economic illiterate in the Treasury.<sup>98</sup> But Joynson-Hicks would certainly come into the category of a much-criticised appointment. Even at the time, Austen Chamberlain commented that while “Hicks probably equal

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<sup>94</sup> *ibid.* p. 303

<sup>95</sup> Taylor p. 174

<sup>96</sup> *Whitehall Diary* op. cit. p. 303

<sup>97</sup> *ibid.* pp. 174-5

<sup>98</sup> David Gilmour, *Curzon*, (London 1994) p. 596



to the Home office...Hogg<sup>99</sup> would be a much stronger appointment.” However, in defiance of later wisdom, he thought that “all the ministries adequately and some of them exceptionally well filled.” He singled out Churchill and Birkenhead’s appointments – two of the most criticised – as two of the best.<sup>100</sup> So it is easy to get carried away on the flood of negativity. Middlemas and Barnes also dismissed the notion of Joynson-Hicks’ appointment as “obscurantist,” commenting that he was “much more moderate than his rhetoric suggested,” although they added that Baldwin also knew “his appointment would go a long way to conciliate the Diehards.”<sup>101</sup>

Joynson-Hicks, when asked what he did as Home Secretary, light-heartedly replied, “It is I who am the ruler of England!”<sup>102</sup> And in many ways he was. The Home Secretary at the time had immense, sweeping powers. Not only did the department handle internal security and the justice system, but it was the department where anything that did not quite fit anywhere else ended up by default.<sup>103</sup> These powers had been strengthened and deepened in the First World War by means of the Defence of the Realm Acts, which were enshrined in law afterwards as the Emergency Powers Act, and gave the Home Secretary major powers to use at his discretion in the interests of national security. Joynson-Hicks became a staunch champion of DORA, as it was still known, causing hilarity in the popular press and *Punch* and leading one foreign visitor to ask Sir Samuel Hoare if DORA was Joynson-Hicks’ mistress.<sup>104</sup>

Joynson-Hicks actually had a difficult time at the Home Office, but it is in five major areas, leaving aside the one covered in this thesis, that he made an impact. They were, to take them in turn, the General Strike, which marked not only the failure of the radical left in Britain to overthrow the government, but the high-water mark of his tenure as Home Secretary; the ARCOS raid, which ruptured relations with Russia and forfeited him much of the goodwill he had

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<sup>99</sup> Douglas McGarrel Hogg, 1872-1950 1st Viscount Hailsham (1928); Attorney-General 1922-24 and 1924-28, Lord Chancellor 1928-29 and 1935-38, Secretary of State for War 1931-35, Lord Privy Seal 1938.

<sup>100</sup> Sir Charles Petrie, *The Life and Letters of the Rt. Hon. Sir Austen Chamberlain KG PC MP Volume II* (London 1940) p. 243

<sup>101</sup> Middlemas and Barnes, p. 283

<sup>102</sup> Blythe p. 31

<sup>103</sup> See below p. 159

<sup>104</sup> Tom Jones, *Whitehall Diary* p. 173



built up; the granting of votes to women on an equal basis with men, which became his responsibility by default as nobody else was willing to touch it; reform of Britain's antiquated penal system, substantially the same in 1924 as the one laid down by Robert Peel in the 1820s but radically different a mere five years later; and the Prayer Book debate of 1928, which marked the high point of his Parliamentary career.

The General Strike of 1926 marked probably the pinnacle of Joynson-Hicks' administrative, rather than political career. Although there can be little doubt that one of the aims of the strike was, at the very least, to humiliate the government and force it to capitulate on terms that were disadvantageous to it, and possibly even aimed at the overthrow of Parliamentary rule, it was a failure that lasted just nine days and reduced the TUC to a national laughing-stock. This was due in no small part to Joynson-Hicks. His record was not unblemished, but it was certainly impressive. Following an abortive general strike in 1925, when the government, hopelessly unprepared for a confrontation, bought off the miners with a subsidy, Joynson-Hicks was put in effective charge of planning for a general strike when it came. The important word in that sentence is "when." In the culture of the 1920s, none of the Cabinet doubted that there would be a general strike, or that it would be a concerted attempt to overthrow the government and establish a Soviet system. The Organisation for the Maintenance of Supplies (OMS) was formed to keep the country's vital food and fuel arteries running in the event of a strike, under Sir John Anderson, Joynson-Hicks' Permanent Under-secretary, widely regarded as the ablest administrator of his time and one of the few Civil Servants to subsequently have a successful political career.<sup>105</sup> Other departments were to have specialised roles: for instance, the Ministry of Labour would work on conciliation, and the Ministry of Transport would organise long-distance distribution of supplies and also look after the maintenance of the electricity network Joynson-Hicks

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<sup>105</sup> Sir John Anderson 1882-1958, 1st Viscount Waverley (1952) 2nd Secretary to the Ministry of Health 1919, Permanent Under-Secretary to the Lord Lieutenant of Ireland 1920-22, PUS to the Home Department 1922-32, Governor of Bengal 1932-37, Elected to Parliament as an MP for the Scottish Universities in 1938, Lord Privy Seal 1938-39, Home Secretary 1939-1940, Lord President of the Council 1940-43, Chancellor of the Exchequer 1943-45 and 1945.



himself remained in overall charge of the plans, chairing the Cabinet Committee charged with co-ordinating the individual departments in their own specialities and putting in place Civil Commissioners for the provinces.<sup>106</sup> He was also busy in other spheres, intriguing against the Communists to such good effect that twelve leading Communists were imprisoned under the Incitement to Mutiny act, their headquarters searched, and the organisation generally harassed in a bid to keep them off-balance.<sup>107</sup>

When the strike itself actually began, Joynson-Hicks was definitely on the side of the hawks. Unlike Winston Churchill, the bellicose Chancellor, whom Baldwin packed off to the *British Gazette* to keep out of the way and stop him doing any damage, he was kept on in the fight against the strikers.<sup>108</sup> However, Baldwin kept him on a tight rein, which curbed some of his wilder excesses. For instance, he was overruled when he tried to issue an order forcing the closure of the *British Gazette's* rival and although his appeals for more volunteer police were generally successful, whether they were actually needed or were part of a wider propaganda war is debatable.

Much has been written about the General Strike, and it does not need substantial reinvestigation here.<sup>109</sup> However, it was a great success from the point of view of the government, and for that the efficient organisations put together by Joynson-Hicks deserve much of the credit. It cannot be denied that he would probably, given a free hand, have introduced draconian measures in a bid to crush the strike, which would certainly have been counter-productive, rather than allowing it to fizzle out naturally when it was obviously failing,. But Cabinet government, especially in a crisis of this nature, is a collective endeavour. If Joynson-Hicks' bellicosity was a drawback, his organising ability, properly tempered and harnessed, was a plus.

This bellicosity was to have unfortunate consequences a year later, when he was the chief mover in the raid on the Soviet Trade Delegation, colloquially known as ARCOS. Baldwin had for some time been uneasy about Russian

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<sup>106</sup> John W. Wheeler-Bennet, *John Anderson, Viscount Waverley* (London 1962) pp. 102-103

<sup>107</sup> Middlemas and Barnes, pp. 390-3

<sup>108</sup> *ibid.* pp. 411

<sup>109</sup> The most recent, and possibly the best, account is by Anne Perkins, *A Very British Strike: The General Strike of 1926* (London 2006)



activities in Britain and abroad, and like all men of his class and time, was nervous about the threat of a Russian-backed attempted coup. However, while he was willing to protest in the strongest terms about Soviet propaganda, their support for the Chinese nationalist movement, and their efforts to provoke unrest in his own country (there was a conscious linking of the General Strike with the Soviet government) he was unwilling to break off diplomatic relations. Joynson-Hicks, however, forced him to do precisely that by sealing off ARCOS in May 1927 and searching it for a document that was believed by the intelligence services to have been stolen by Russian spies. The document was never found, leading to claims that this was a deliberate “frame-up” by the Home Office. Joynson-Hicks had certainly forced Baldwin’s hand, whether deliberately or not (although it is very hard to believe it was an accident).<sup>110</sup>

Joynson-Hicks was unquestionably, in the words of Middlemas and Barnes, a rabid anti-Bolshevik.<sup>111</sup> He was not quite as paranoid as A. J. P. Taylor would make out – in what was, even by his standards, a remarkably purple piece of prose, Taylor claimed that Joynson-Hicks “saw a Communist under every bed,” a grotesque and ridiculous claim but which nevertheless has sunk into popular consciousness to a degree that considerably obscures the truth.<sup>112</sup> But he genuinely did see Communism as a serious threat to the world. In this he was probably wrong, at least in the short term. The overwhelming evidence is that Russia was far too weakened by her internal troubles and a succession of disastrous famines to expand outwards. After World War II and the blatant annexation of Eastern Europe by Russia that triggered the Cold War, it was rather a different matter, which is why it is perhaps surprising that C. H. Rolph commented in the 1960s that “many more people were afraid of Communism then than would admit to it now.”<sup>113</sup> Equally, it is surprising that so many people have sought to exculpate Soviet Russia in this matter. There can be no doubt whatsoever that the Russians were spying on Britain by means of ARCOS. This is largely for the very good and obvious reason that it was the

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<sup>110</sup> Middlemas and Barnes pp. 457-8

<sup>111</sup> *ibid.* p. 283

<sup>112</sup> A. J. P. Taylor *The Oxford History of England Vol. XV: English History 1914-1945* (Oxford 1965) p. 242

<sup>113</sup> In his Introduction to Vera Brittain, *Radclyffe Hall: a case of obscenity?* (London 1968) p. 24



only way in which they *could* spy on Britain, as it was so extremely difficult for them to get any Soviet citizens into the country any other way – whether to act as agents themselves, or to work as contacts for British “red” sympathizers. And however paranoid Joynson-Hicks may have been about the Bolsheviks, that was nothing compared to how paranoid the Bolsheviks were about the outside world which they believed, with some justice, was constantly working for their overthrow by any means possible. Yet some people seem incapable of believing these simple truths, referring to “doubtful” evidence and misgivings about the existence of a “system of espionage.”<sup>114</sup> It is true that it seems unlikely anything more than normal spying and propaganda was being operated from ARCOS, if only due to the financial and logistical constraints they worked under – although propaganda, used wisely, could have been a serious enough matter. The ARCOS raid, however, by missing the key document that the police had gone in to find – a manual on signals training – made the government look rather foolish. In fact, its most severe effect was felt in Russia, where a panic that the ARCOS raid meant a new war with Britain was imminent formed a large part of Stalin’s decisive move against Trotsky in the name of “healing divisions in the party” to prepare for it, forcing the latter’s expulsion from the Communist Party and paving the way for Stalin’s assumption of total power two years later.<sup>115</sup>

Joynson-Hicks also became, according to his detractors, the somewhat unlikely figure of a champion of female suffrage. In 1928, he introduced the bill that finally gave women the vote at the age of 21 on equal terms with men. This development sits so uneasily with the image of him as an unregenerate Diehard that an extremely improbable explanation proffered by Churchill has been gleefully accepted instead:

“Here was a private Member’s Bill, debated in a Friday. No one took it very seriously. Interrupted by Lady Astor, he [Joynson-

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<sup>114</sup> See Christopher Andrew, “British Intelligence and the Breach with Russia in 1927” *Historical Journal* 25 (1982) pp. 957-964, and for a rather better analysis see Harriette Flory, “The Arcos Raid and the Rupture of Anglo-Soviet Relations, 1927”

*Journal of Contemporary History* 12 (1977) pp. 707-723

<sup>115</sup> See Martin McCauley, *The Soviet Union 1917-1991* (second edition Harlow 1991) pp. 67-69

Hicks] quite unexpectedly, and without the slightest consultation with his colleagues, said that the Conservative Party would enfranchise men and women on the same terms “at the next election.” Two years later this formidable gesture had to be redeemed. Never was so great a change in our electorate achieved so incontinently.”<sup>116</sup>

Leaving aside the question of whether such a course would have been achieved more “incontinently” than the 1867 Reform Act, which seems to have evolved more or less by guess and by blunder on the part of Derby and Disraeli,<sup>117</sup> this legend can be safely dismissed as wrong. The reality is that the bill was introduced to redeem a *manifesto* pledge – a controversial one in certain quarters of the Conservative party, who came up with their own explanation (this one) to explain the anomaly. Jonathon Hopkins, who studied this subject in considerable depth and with consummate skill, dismissed it as “plainly not the case,” and added that the Franchise Bill was probably “Joynson-Hicks’s biggest influence on society and politics.”<sup>118</sup>

It is correct to say that Joynson-Hicks gave a pledge to deal with the matter during a debate on a Private Member’s bill. He in fact promised an inter-party conference on the subject, as directed to by Baldwin, adding an assurance that the matter would be dealt with in the lifetime of the 1924 parliament.<sup>119</sup> Baldwin favoured equalising the franchise with votes for all at 25 – a reasonable compromise given the comparatively recent advent of universal manhood suffrage and the strong opposition within the cabinet to “flapper” votes.<sup>120</sup> However, Willy Bridgeman advised Baldwin, with some reason, that it would be extremely unpopular to take away votes from those men who had already had

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<sup>116</sup> Winston Churchill writing in 1931, quoted in Blythe p. 42

<sup>117</sup> K. Theodore Hoppen, *The Mid-Victorian Generation 1846-1886* (Oxford 1998) pp. 249-253

<sup>118</sup> Hopkins wrote an MA dissertation on the passing of the Equal Franchise Act, which is how he came across Joynson-Hicks in the first place. See Hopkins pp. 54-6, 102

<sup>119</sup> Middlemas and Barnes, pp. 291-2

<sup>120</sup> A slang word for young women, who were generically regarded by some, particularly Churchill and Birkenhead, as essentially silly and irresponsible.



it.<sup>121</sup> So the equalisation at 21 was the only real option on the table. Bitterly opposed by Churchill, it nevertheless passed into law in 1928, Baldwin having given the bill priority to ensure it would be passed.<sup>122</sup>

In this, so far as can be judged, he had Joynson-Hicks' support. Joynson-Hicks certainly turned all of his rhetorical fire upon his opponents in this debate, some of whom had mocked him for attempting to introduce a bill that they were sure would injure his own party:

“Is any member going to get up in 1928...and say that we dare not give votes to women because we are not sure that they will not vote for our opponents? Mr. Speaker, what has that to do with it? I am not going to be deterred from what I believe to be an act of justice, by any idea of how they will vote...We are doing what we believe to be right, and I ask the House to pass the Bill by an overwhelming majority.”<sup>123</sup>

Backed by a large chunk of the Labour party and an equally large chunk of the Tory back benches, he got his way. But it is important to point out that he had long been either neutral or sympathetic on the question of female suffrage, unlike Churchill. Indeed, that can be seen from 1908, when Joynson-Hicks was ignored by the suffragettes and Churchill struggled against them, to the extent that they turned him implacably against female suffrage and indirectly spawned this legend.<sup>124</sup> The “image” created for Joynson-Hicks was not generally one that

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<sup>121</sup> Middlemas and Barnes, pp. 453-4

<sup>122</sup> *ibid.* p. 468

<sup>123</sup> Quoted in H. A. Taylor p. 284. The irony inherent in these remarks is that women generally have been more conservative (small c) in their outlook than men, and have tended to vote accordingly. There is an oft-repeated story that Labour would have won every election since 1945 had the franchise only been awarded to men – a dominance only broken by Tony Blair in 1997. Although it is impossible to know how an all-male electorate would have voted in practice, there can be little doubt that the female vote contributed significantly to Conservative political dominance in the latter half of the twentieth century. See Ina Zweiniger-Bargielowska, “Explaining the Gender Gap: The Conservative Party and the Women’s Vote 1945-1964” in Martin Francis and Ina Zweiniger-Bargielowska (eds.) *The Conservatives and British society, 1880-1990* (Cardiff 1996) pp. 194-223, p. 194

<sup>124</sup> H. A. Taylor pp. 62-3: see above p. 48

fitted such a liberal view, and so alternative explanations were sought for this presumed eccentricity.

It is, however, when the implications of his penal reforms are studied that his image as a Diehard suffers most. He was one of the comparatively few Cabinet ministers to boast of having spent “a lot of time in gaol:” in this case because he wished to keep up to date with the conditions and the inmates. Joynson-Hicks made a point of visiting every prison under his jurisdiction, and was often depressed by what he found there. He expressed a particular horror of Dartmoor, and considered that such a terrible prison should not be used for those prisoners who were ultimately intended to be released back into society because it would merely breed depression and further engrain any criminal tendencies the prisoners had rather than weaning them off them.<sup>125</sup>

His belief that prison should play a role primarily rehabilitative in character was most marked in his reform of the Borstal system. He particularly emphasised the role of probation in trying to make sure offenders did not offend again – and strange though it may seem, it was not until his time that every Court in the country was legally required to have a probation officer. He also emphasised the need for a prison sentence to be of a good length – complaining that a prisoner should be given a sentence that would “make him remember and give him time to think...he can’t do that in a fortnight.”<sup>126</sup>

Joynson-Hicks also changed the prisons themselves, improving the internal conditions in the hope that they could play a part in the rehabilitation of prisoners. Oddly, this fact was acknowledged by Kate Meyrick, no friend of Joynson-Hicks in the ordinary way, when she commented that prisons had “improved considerably” during his tenure thanks to his efforts.<sup>127</sup> His commitment to rehabilitation can be overstressed – while he believed in the corrective rather than penal nature of the prison system, he also believed that there existed a hard core of repeat offenders who would eventually, after

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<sup>125</sup> H. A. Taylor pp. 186-88

<sup>126</sup> *ibid.* p. 189

<sup>127</sup> For Kate Meyrick’s career, see below chapter 6: given that she was a persistent and repeat offender prison obviously did not have the effect Joynson-Hicks had hoped for on her! For her comment on prison conditions, see Kate Meyrick, *Secrets of the 43* (Dublin 1994) p. 80



multiple convictions, need locking up for good to protect society from them.<sup>128</sup> However, even this is better than the notion of many of his peers that they should all be automatically hanged for multiple offences.

But by far the most famous of all Joynson-Hicks' actions as Home Secretary came against the Anglican Bishops. In 1928 they attempted to introduce substantial revisions to the Book of Common Prayer (unchanged since 1662) the general effect of which would be to make the church services "higher" (i.e. more akin to Catholic than to Protestant doctrine). As the Church of England was (and remains) Established, bound to the state by numerous legal and ceremonial ties, the prayer book had to be put to Parliament. The Bishops thought this was just a formality. However, they reckoned without the fervent "low church" beliefs of Joynson-Hicks, who scaled unsuspected heights of oratory and persuaded the House, on a free vote, to throw out the prayer book. For this, he depended upon the votes of Scottish and Welsh MPs (who had no established Anglican church)<sup>129</sup> and a large number of Nonconformists.<sup>130</sup>

One possible reason why Joynson-Hicks, aided by Sir Thomas Inskip (another Evangelical lawyer) fought so hard and so bitterly against the revised Prayer Book is that they were also members of the Church Assembly, where it had been passed by a majority of more than two-to-one (230-92). Adrian Hastings also thought that the sponsoring bishops made a tactical error in not allowing the new liturgy as an alternative, rather than a replacement, to the 1662 version – which would have drawn the teeth of opponents (like Joynson-Hicks) who claimed that this was an effort to force Catholicism on a reluctant laity.<sup>131</sup> Certainly the increasing vigour of the Anglo-Catholic clergy of the church coupled with the decline of the quality and numbers of Evangelical counterparts had, more or less accidentally, put the former in charge of a church that remained Evangelical in much of its lay character.<sup>132</sup>

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<sup>128</sup> H. A. Taylor pp. 187-8

<sup>129</sup> The Church in Wales was disestablished in 1921: the Church of Scotland is Presbyterian in character and the Church of England is in communion with another Scottish church, the Episcopalian Church of Scotland.

<sup>130</sup> Ross McKibbin, *Classes and Cultures: England 1918-1951* (Oxford 2000) pp. 277-8

<sup>131</sup> Adrian Hastings, *A History of English Christianity 1920-1990* (third edition London 1991) p. 205

<sup>132</sup> *ibid.* pp. 195-201



Joynson-Hicks scaled new heights in oratory in his attack upon the new prayer book, but again showed his tendency towards wild exaggeration. Although his drawing in of the non-Anglicans (who may have voted simply to embarrass the church rather than to check its Catholic tendencies) by reminding them that they had Anglican constituents who were relying on them to stop this Bill was a masterstroke, his description of the prayer book as legitimizing a series of crimes committed by the Bishops themselves over twenty-four years was probably an overstatement.<sup>133</sup> It has been suggested by Matthew Grimley that the real reason why Parliament rejected the new prayer book, for all the blandishments of Joynson-Hicks, was that there existed a deep rooted and long-standing affection for the Book of Common Prayer as a work of literature and an important cultural reference point for Anglicans, Nonconformists and even atheists.<sup>134</sup> While this is an attractive argument and it is to be hoped it will be further explored at some point, it also seems very likely that the charge of “Popery” levelled against the Anglican bishops found resonance among Nonconformists and atheists alike as well – the more so perhaps as in England the re-established Catholic church was growing rapidly in this period, challenging the old pre-eminence of Nonconformists among non-Anglicans.<sup>135</sup>

The real substance of the revised prayer book differed little from the old one: it was merely in the optional extras that the “Catholic” practices were contained. Remarkably, there were even Anglo-Catholic clergy virulently opposed to the new liturgical forms on the grounds that they did not go nearly far enough.<sup>136</sup> In any case, although Joynson-Hicks won in the House of Commons, he lost overall as the Bishops simply went ahead and allowed the

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<sup>133</sup> H. A. Taylor pp. 254, 257, 264.

<sup>134</sup> Matthew Grimley, “The Religion of Englishness: Puritanism, Providentialism and “National Character,” 1918-1945” *Journal of British Studies* 46 (2007) pp. 884-906, pp. 886-887: cf. the agnostic Horatio Hornblower’s response to reading the prayer book as he takes a Sunday service in the 1938 novel *A Ship of the Line* (set in 1811): “as ever, while he read he was struck once more by the beauty of Cranmer’s prose and the deftness of his adaptation.” C. S. Forester, *A Ship of the Line* (1938) in *Captain Hornblower R.N.* (London 1987) p. 446

<sup>135</sup> It is noticeable that Grimley specifically refers to “Protestant” churches (among which he listed the Church of England) declining in the period 1918-1945, while adding that the 1920s were a period of growth for all: Grimley 2007 pp. 886-887

<sup>136</sup> Hastings p. 204



Prayer Book to be used anyway, in defiance of Parliament. The situation left behind was chaotic and incoherent. It showed a lack of strength and vigour at the heart of Anglicanism, which refused to either accept legal reality by scrapping the prayer book, or by forcing Parliament to decide on the Church's own position by demanding Disestablishment (with rare exceptions) – this despite a statement from the Archbishop of Canterbury insisting on the right of the Church to determine its own destiny.<sup>137</sup> For all that, it was probably as near as the Church of England came to outright disestablishment in the twentieth century.<sup>138</sup>

In 1929 the electoral pendulum swung back against the Tories and they were swept from power by a second minority Labour government. Joynson-Hicks was one of the few Tories to recognise the threat posed by Lloyd George's rejuvenated Liberal party in the guise of their Yellow Book on public works to cure unemployment. He even tried to persuade Churchill, his old rival, to create a similar programme of public works to steal Lloyd George's thunder, but to no avail.<sup>139</sup> In this he showed more wisdom than most of his cabinet colleagues, who failed to see that a well-organised Liberal party could split the anti-Labour vote that had won them power in 1924. Ironically, Joynson-Hicks, through his bill that had given votes to women and his copious use of DORA to force the closure of London's nightclubs, was blamed for the defeat.<sup>140</sup> However, the real reason why Baldwin's government fell was that it had failed to deal conclusively with unemployment. Macdonald and Lloyd George offered new thinking (they also fought a much better campaign) and their enemies were bundled out. Joynson-Hicks resigned with the rest of the Cabinet. Despite rumours of a comeback when the National Government was formed, it seems likely that the ailing and unpopular former Home Secretary knew his meteoric political career was over.<sup>141</sup>

It seems very likely that Joynson-Hicks, now old, infirm and increasingly eccentric, would have been dismissed even had the Tories won, because Baldwin had become very tired of the bad publicity over the banning of *The Well of*

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<sup>137</sup> *ibid.* pp. 207-208

<sup>138</sup> McKibbin p. 278

<sup>139</sup> Toye p. 262

<sup>140</sup> Middlemas and Barnes p. 515; Taylor p. 285

<sup>141</sup> Hopkins pp. 52-53

*Loneliness* and then D. H. Lawrence's poems.<sup>142</sup> He retired to the Lords, taking the title of Viscount Brentford of Newick, and it was as a member of this House that he died of heart failure three years later.

Joynson-Hicks was a strange mass of contradictions. A Die-hard, who was pro-women; an alleged anti-Semite, who allowed more Jews to take out British citizenship than any other Home Secretary before or since; a natural backbencher with a certain specialisation in transport law, who became first Health Secretary and then Home Secretary; the supporter of General Dyer, who did not use force in the General Strike. It is not surprising that so few historians have ever managed to understand him. There is much that is impossible to fathom.

If there was incontrovertible evidence that he was autistic, that might explain some of these perceived contradictions. In default of such evidence, we are rather left with the idea that he was simply a man who had a *penchant* for getting carried away with his own rather wild rhetoric and then became the prisoner of his own excesses.

There can be no doubt of his ability. His reputation as a formidable London solicitor was coupled with his being one of the comparatively few men ever to defeat Winston Churchill on the stump – a list which includes Clement Attlee, generally regarded as one of Britain's greatest post-war Prime Ministers. He had run a nuisance campaign against Lloyd George, and then made himself indispensable to the cabinets of his successors. As Home Secretary, he had survived nearly five years of the one of the most turbulent periods of British history. These are no mean achievements.

"He had too little humility and too much to say," was Ronald Blythe's verdict. Leaving aside an old saying about pots and kettles, Joynson-Hicks was a politician, and they are not noted for being either self-effacing or taciturn. The real point was that his tendency to wild ramblings obscured his genuine abilities and blighted his career. On the other hand, the later accident of Austen Chamberlain's disgrace opened up a higher office than he should reasonably have expected – that of Home Secretary. It was perhaps his misfortune that he was not given Health as Baldwin originally intended, and where he would

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<sup>142</sup> Jones pp. 174-5; Middlemas and Barnes, p. 516: see below chapter 4.



probably have been a moderate, uncontroversial success. But had he been wiser, and shown more restraint, he might have been more successful in any case.

Overriding every other consideration is the fact that Joynson-Hicks was a very devout Christian, an Evangelical Protestant. This explains some of the confusions felt by historians, who are mostly not themselves devout Christians. The Bible, looked at in a literal way, is in some places extremely right wing: “Eye for eye, tooth for tooth:” and in some places extremely liberal: “love your neighbour as yourself.” Generally speaking, politicians of both left and right have to pick and choose their biblical leanings in order to fit in with political prejudices. Joynson-Hicks would not do so. He was a Borstal reformer, and a believer in the inferiority of non-Christians, especially non-Protestants, and to him that was not a contradiction as both were drawn from his Biblical teachings. How important religion was to him may be fairly judged from the fight he put up against the new prayer book.

Callum Brown referred to the period between 1800 and 1963 as “Britain’s last Puritan age... this puritanism was imposed not by the state but by the people themselves.”<sup>143</sup> In the succeeding pages of this thesis, we see a policy that might be described as Puritanical enforced and even expanded, something that has been directly blamed on Joynson-Hicks personal “Puritanism.”<sup>144</sup> It is repeatedly noted that it is impossible to judge how far Joynson-Hicks and the Home Office spoke for the “silent majority.” However, if Brown is to be believed, then it is possible that many people did support actions against those people who offended against a Christian moral code. It is also worth noting, however, that there is some difficulty in defining exactly what most people meant by “Puritanism.” Grimley noted that in the interwar years, it tended to mean rather a series of virtues; hard work, independence, seriousness and an adherence to conscience being among the ones he lists. Only since the 1960s, he suggested, had it become “primarily associated with the infringement of personal liberty in sexual relations.”<sup>145</sup> However, there can be no doubt from much of the later evidence that this latter aspect of Puritanism did motivate Joynson-Hicks,

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<sup>143</sup> Callum G. Brown, *The Death of Christian Britain: Christianity and Society in the Modern World* (London 2000) p. 9

<sup>144</sup> Middlemas and Barnes, p. 283

<sup>145</sup> Grimley 2007 pp. 896, 906

as did a strong adherence to the Temperance movement. Grimley may indeed be correct in his description of Puritanism as representing virtues, but no definition would be complete without these latter things as well. The point here is that Joynson-Hicks would have regarded them as further virtues – only after the 1960s did such actions come to have negative connotations.

This perhaps goes some way towards describing the contradictions he showed and the policies he espoused that are exposed in this thesis. He really did believe in crushing out homosexuality and in keeping people from drinking themselves to death, as well as stopping immorality poisoning the minds of theatre and cinema goers. On the whole, however, he was no stricter than any other Home Secretary. The big difference was that he believed, totally and absolutely, that he was doing the right thing. That might be perhaps, an epitaph for his entire approach to life (one common among politicians: both Peter Hain and Norman Lamont have shown similar patterns of behaviour in recent times). But it was in the field of public morality that he showed it most clearly, and it is to this that we now turn.



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### 3) The Lord Chamberlain's Position.

“O, there be players that I have seen play, and heard others praise, and that highly, not to speak it profanely, that neither having the accent of Christians nor the gait of Christian, pagan, nor no man, have so strutted and bellowed that I have thought some of nature's journeymen had made men, and not made them well, that they imitated humanity so abominably.”

William Shakespeare.<sup>1</sup>

Many would consider this sentiment of the melancholy Dane to be truly timeless – and it certainly portrays perfectly the attitude of that most widespread of critics, the complacent amateur (especially the wealthy complacent amateur who is paying the bills). But in the interwar period controversies over what constituted a “good” play, and what was permissible on the stage, reached near fever-pitch. The fact that all stage plays to be performed before a paying audience required a licence up until 1968 only added to the fury that was whipped up. Therefore, the position of the Lord Chamberlain is of absolutely crucial importance to any discussion of moral censorship in this period. While it may sound odd that a junior member of the Royal Household should feature so prominently in such a role, a very British administrative compromise in the eighteenth and nineteenth centuries had given the Lord Chamberlain the daunting task of acting as the official licensing authority of stage plays – as H. A. Taylor correctly noted, the only formal system of censorship in place under the British law.<sup>2</sup> In 1922 King George V gained the agreement of all main parties that the Lord Chamberlain should be considered a non-political appointment, where previously the office had changed hands on a change of government. This was due to the attachment of the Lord Chamberlain to the Royal Household as a sort of general factotum and organiser (which accounted for the majority of the duties of the post). As a result Joynson-Hicks was obliged to deal with a figure who was theoretically non-partisan in stage

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<sup>1</sup> *The Tragedy of Hamlet, Prince of Denmark*, Act 3 scene 2.

<sup>2</sup> H. A. Taylor, *Jix: Viscount Brentford* (London 1933) p. 242



censorship. However, as the then Lord Chamberlain had in fact been appointed by Bonar Law in 1922, this made little practical difference.

The Earl of Cromer,<sup>3</sup> who was Lord Chamberlain not only for the relevant period of 1924 to 1929 but indeed on until 1938, was an extremely influential figure in the world of stage, partly by virtue of the powers he wielded under his office, and partly because he was generally respected by the theatre profession. Such respect did not, however, permit him to be generally exempted from adverse publicity for unpopular decisions. This despite the fact that most of the actual work of censorship was done by an official under the Lord Chamberlain, the “Examiner of Plays,” although the Lord Chamberlain always had the final say on any difficult case. There was criticism both for plays that were refused a licence to and, even more so, plays that were allowed to be performed. Lord Cromer’s was, as a result, rather a thankless task.

In the interwar period, this issue was complicated by a severe and chronic shortage of money paid for the examination of play scripts, which was paid to the Lord Chamberlain’s office by the theatre wishing to produce the play. The rate of pay for reviewing a play script had been set at a guinea each by the Theatres Act 1843, the root of all inter-war theatre censorship systems, and had been badly affected by inflation. The system had to be self-financing – there was no question of government support. As a result, this highly important cultural and moral role of Examiner of Plays was fulfilled by men (the first woman was appointed in this period) who had to work on a very tight budget. Steve Nicholson’s rather wry comment, “Those who complained that the Lord Chamberlain’s office failed to inspect enough performances or read every play carefully enough did not realise the extent to which stage censorship was being done on the cheap,” says it all.<sup>4</sup> But overall the difficulties of the system were subordinated to keeping it functioning, largely because everybody who had the power to actually do anything was very unwilling to stir up the question of censorship in case public debate forced its total abolition.

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<sup>3</sup> Rt. Hon. Rowland Thomas Baring, 2nd Earl of Cromer (1877-1953) Lord Chamberlain 1922-1936.

<sup>4</sup> Steve Nicholson, *The Censorship of British Drama 1900-1968 Volume One: 1900-1932* (Exeter 2003) p. 9

Unusually for the main body of this thesis, this chapter draws extensively on secondary sources, for two very good reasons. First of all, this discipline has attracted much more attention from historians and journalists than the others that are to be examined, perhaps partly because of the overt and formal nature of the censorship to be investigated, and the huge source base – in the form of a mass of manuscripts, reports and correspondence – that is available to use in researching it. While “much more attention” means in practice three authors, those three authors offer a massive and well-documented secondary literature. Particular mention must be made of Steve Nicholson, author of several outstanding and crucial works in this field, whose diligence in uncovering new material from the archives of the Lord Chamberlain is unparalleled among other works on the subject. His three volume epic *The Censorship of British Drama 1900-1968* is deserving of special praise,<sup>5</sup> but that is not to disparage his other works on *British Theatre and the Red Peril*, on the attitude of the stage and the censor towards plays about Communism (both pro-Communist and anti-Communist, performing a very useful service in debunking the unhelpful myth that all playwrights of this period were left-wing) and a shorter article in *The Cambridge History of British Theatre*, about the role of the British stage in the year of the General Strike. Steve Nicholson is certainly no admirer of Joynson-Hicks, or a particular admirer of the system of censorship imposed by the Lord Chamberlain (although he reluctantly admitted that it did have its uses)<sup>6</sup> but his outstanding use of original sources render very much more effort in this direction rather redundant.

Further excellent work in this direction is offered in an older account by Sir John Johnston, Comptroller of the Lord Chamberlain’s office in the last period of theatre censorship up until 1968. Johnston was unquestionably an admirer of the system of censorship that he had presided over, and therefore his book gives very much the other side of the argument – the argument for not giving ammunition to the enemies of theatre by putting on plays unacceptable to a large proportion of the public, of protecting living people from satire or slander, and of keeping threats to public order down to minimum by spotting likely flashpoints in advance. While Johnston often falls into the opposite trap

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<sup>5</sup> The first two volumes have been published – the third is forthcoming.

<sup>6</sup> Nicholson 2003 p. 300



from Nicholson of being fulsome about the work of the Lord Chamberlain (Nicholson accused him of at times offering “an apologia for the censors”)<sup>7</sup> as the first work in this field and the only one to bring proper insider knowledge of the mechanics of censorship to his contribution he offers an indispensable guide to the system.

A third author worthy of mention, who falls between these two in the timeline, is a book by Nicholas de Jongh. De Jongh is a theatre critic who also burrowed extensively among the Lord Chamberlain’s papers in the 1990s, but not perhaps to such good effect as the other two. Lacking Johnston’s insider view, or Nicholson’s mastery of the detail or – crucially – any meaningful knowledge of the context while possessing a complete contempt for any view other than his own, his book *Politics, Prudery and Perversion* is the least useful. Nevertheless, it contains some indications of the way in which the censorship debate has matured and developed over the 1990s, and while Nicholson’s work effectively supersedes it – Nicholson himself mentioning that the limited range of de Jongh’s work meant that at times, in his greater research, he was sometimes able to “support and amplify what he says, but at other times to challenge or contradict it”<sup>8</sup> – it remains an important item for that reason if no other. Certain things have to be set against that statement as a qualification. Most notably, as it is written by a journalist rather than an academic, it is less reliable than Nicholson’s own work, for which it was the forerunner. For instance, he claimed that the Lord Chamberlain’s files are at the Public Record Office.<sup>9</sup> In fact, as de Jongh surely must have known, they are deposited at the British Library. His claim that the censorship operated in secret must be considered doubtful as well, despite his claim that “I do not employ the dramatic adjectives ‘secret’ and ‘concealed’ loosely.”<sup>10</sup> What he meant was that the records of the actual examiners were hidden from view, and they did not generally advertise the procedures they used in the way the British Board of Film Censors did in their annual reports (which is perfectly correct).<sup>11</sup> But it

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<sup>7</sup> *ibid.* p. 16

<sup>8</sup> *ibid.* p. 11

<sup>9</sup> Nicholas de Jongh, *Politics, Prudery and Perversions: the censoring of the English stage 1901-1968* (London 2000) p. XIV

<sup>10</sup> *ibid.* p. IX

<sup>11</sup> Aldgate and Robertson, pp. 2-3

was surely a simple matter to deduce the workings of the Lord Chamberlain's office from requests for cuts or a series of plays on one theme disallowed, rendering the process hardly very secret.

A further very important recent work is Anthony Aldgate and James C. Robertson, *Censorship in Theatre and Cinema* (Edinburgh 2005). This is a work that compares the operations of the Lord Chamberlain's office with the British Board of Film Censors (BBFC). The main focus is on the procedures followed when broadly similar (or indeed the same) scripts were submitted to the Lord Chamberlain and the BBFC, and offers a valuable discussion of the workings of both. While the concentration is on the 1950s and 1960s, there are also elements of the 1920s as well (e.g. the production of plays and films based on the life of Edith Cavell in the decade after the First World War).<sup>12</sup> This thesis adopts a very similar methodology to Aldgate and Robertson. However, the comparisons are also drawn with other areas, including literature, drugs and nightclubs, aiming to investigate the broad culture of censorship in a comparatively tightly-defined period, of which theatre and cinema censorship formed two very important strands.

The other reason why this thesis is obliged to rely heavily on secondary sources in this area is due to difficulties in obtaining the relevant primary sources from the British Library. Although they have now had the records of the Lord Chamberlain for nearly 20 years, ever since 1991, they are still uncatalogued and it has been extremely difficult to read them. Despite much effort and correspondence over the last two and a half years, and several trips there, it has not proven possible to get hold of the office files of the Lord Chamberlain's correspondence with the Home Office, including with Joynson-Hicks personally, to which Nicholson makes tantalizing references. As it was, it took nearly a week of negotiating in person to see correspondence in relation to a handful of named plays that I decided were absolutely indispensable to this study – again, largely on the evidence provided by Nicholson. Even correspondence with the curators has failed to remedy this situation.

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<sup>12</sup> Edith Cavell was a British nurse working in Belgium during the First World War. She was shot by the Germans for helping Allied prisoners of war to escape, and turned into a martyr by the press. Aldgate and Robertson pp. 42-48



As a result, this chapter has to use something of an edited highlights approach, heavily reliant upon the secondary literature and such crumbs as I have been able to glean from the table of the British Library. However, that is not to say that all is lost. First, the approach offered is, if not new, at least an extension and development of earlier work. This is a multidisciplinary, comparative thesis that aims to provide theatre censorship and its like with its wider context in the late 1920s, which has not been fully explored, although Aldgate and Robertson, as noted above, go some way towards it. Second, some material on this subject is available in the National Archives, where the vast majority of documents for this thesis have been located, and these are of some use in detailing the issue of censorship from the point of view of the Home Office – particularly in relation to the police. These files seem to have been largely overlooked by other historians, and yet are of great interest in a comparative topic where the relations between the executive and the enforcement agencies is a recurrent theme.

The rights and wrongs of theatre censorship was a difficult one to judge, even in the 1920s. In the context of an era where the Internet has rendered the mechanics of censorship almost completely redundant, it becomes all the harder. Nevertheless, it is important to remember that censorship was controversial less because everybody who mattered wanted it abolished, than because a large number of people who mattered very much wanted it to be retained.

Although the principle of licensing plays on a case-by-case basis at the discretion of the Lord Chamberlain was a comparatively new one, since Tudor times there had been a Crown Office (Master of the Revels) responsible for regulating the theatres and averting political attacks. The most important function of this role was to keep the theatres from providing a public health hazard, especially in times of plague, when all theatres would be shut to prevent the spread of the disease. Following very strict censorship under the Commonwealth, where all theatre was officially frowned upon, the office of censor effectively lapsed in the Restoration period, allowing a great deal of latitude to the Carolingian stage – more perhaps, than at any other time, and one

that coincided with the important development of the first actresses to replace the previous tradition of boys with treble voices playing female roles.

Such freedom did not last, and eventually fresh regulation was introduced in the form of the Theatres Act of 1737. It was essentially devised to protect Walpole's ailing government from political attacks by his enemies through the medium of the stage. It restricted unlicensed plays performed in London to two theatres – Drury Lane and Covent Garden – and gave the Lord Chamberlain responsibility for licensing the rest. In 1843 this was broadened and deepened by a new Theatres Act, which extended the censorship to all theatres and gave the Lord Chamberlain sweeping powers to prohibit the performance of an individual play “whenever he shall be of opinion that it is fitting for the preservation of good Manners, Decorum or the Public Peace.” The decision of the Lord Chamberlain was final and he did not have to explain his reasoning for any ban.<sup>13</sup> It is extremely important to note that these restrictions only applied to performances that were to be open to the paying public. Private clubs for members not charged for the specific performance could put on plays that were not approved by the Lord Chamberlain – a loophole that lasted nearly until the end of censorship, and one that often caused acute embarrassment to successive Lords Chamberlain by putting on productions of plays that had been refused a licence, sometimes to good reviews.<sup>14</sup> However, crucially, once the Lord Chamberlain had passed a script as fit for public performance, there was no further recourse in law to a complainant and theatre managers could stage such scripts with a light heart as long as they kept to the agreed script and any notes on costume and make-up specified in the licence. Sometimes alterations would be demanded before a script could be licensed, but usually a play would not be submitted if it had no chance of getting a licence (it cost a guinea a time merely to apply) so the number of outright rejections was comparatively few.<sup>15</sup>

This awkward paradox about freedom of expression against freedom from prosecution formed the fundamental conflict at the heart of the 1909 Select Committee on theatre censorship. Among the people who gave evidence was

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<sup>13</sup> Johnston chapter 1 (pp. 23-31); De Jongh, pp. 19-25

<sup>14</sup> Johnston chapter 16, pp. 210-218, discusses the position of clubs fairly fully.

<sup>15</sup> Nicholson 2003 p. 2



arguably the greatest of the nineteenth century playwrights and a Nobel-prize winning writer, George Bernard Shaw, whose own opinion of censorship was hardly a closely-guarded secret:

“Abolish it, root and branch, throwing the whole legal responsibility for plays on the author and manager, precisely as the legal responsibility for a book is thrown on the author, the printer and publisher.”<sup>16</sup>

Shaw himself had suffered particularly in regard to one play of his, *Mrs Warren's Profession*. It described an unashamed prostitute and pimp who runs a large international chain of brothels for “gentlemen,” who tries to persuade her daughter of the virtues of her “profession.” The daughter, not convinced, runs away to study mathematics. It was very unusual for the time in that it depicted prostitutes in a sympathetic light, but perhaps equally seriously for the time, for its acclamation of the emancipation of women.<sup>17</sup> It took twenty-eight years for this play to be granted a licence, by which time Shaw had become somewhat disillusioned by the whole process: in 1916 he wrote that he would feel acute embarrassment at being associated with it, because it was “so old-fashioned,” and continued, perhaps with some exaggeration, “as the older I grow, the more inclined I am to believe that all plays whatsoever should be prohibited, I have nothing more to say.”<sup>18</sup>

But his point of view, one shared by an impressive list of talent including J. M. Barrie, William Archer, Arnold Bennett and John Galsworthy, only represented one side. The managers of the theatres represented another. They were anxious to avoid prosecution by putting on taboo subjects in a way that would offend the susceptibilities of powerful figures in the audience – the Council for Public Morals<sup>19</sup> being one obvious example – and lead to a potential prosecution, which would prove far more costly than the guinea to the Lord Chamberlain. It was suggested that the system of licensing therefore be retained

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<sup>16</sup> Quoted in Johnston, p. 255, written in 1899.

<sup>17</sup> de Jongh pp. 49-51

<sup>18</sup> Johnston p. 77

<sup>19</sup> Forerunner of the London Public Morality Council.

as an option in a new, non-compulsory system. This was rightly dismissed out of hand by the Lord Chamberlain, who commented that it would completely undermine his authority and leave him a target for ridicule and abuse.<sup>20</sup>

It is something of a puzzle as to why this system was canvassed at all. Surely a theatre manager would be more likely to know than the Reader of Plays – at this time a retired bank manager – what was and was not likely to be pursued in a court of law. Counsel's opinion could always be sought, or anything doubtful simply rejected. This might, indeed, have led to a stricter form of censorship than that imposed by the Lord Chamberlain, due to the fears of the theatre managers and the repeated pressure on the Lord Chamberlain to tighten his rules. However, it does suggest that the idea of censorship as an indispensable tool had not yet been outworn by either the state or the industry.

The only meaningful change to come out of the 1909 Select Committee was the establishment of an Advisory Board to assist the Lord Chamberlain in cases where the decision to grant a licence was marginal. It is important to note that, at least partly in thanks to royal opposition to the idea of anybody overruling the Lord Chamberlain, the Advisory Board was only able to *advise* – it could not actually enforce a decision on the Lord Chamberlain. The Select Committee evidence also led to the sacking of George Redford (a retired bank manager before his appointment) as examiner of plays, who had not distinguished himself under questioning and had proven unpopular in his role.<sup>21</sup> This was, ironically, to have a major impact on the history of film censorship that we discuss in chapter 5, as Redford was recruited by the British Board of Film Censorship to be their first examiner of films.

This was more or less the situation as it existed in 1924. The personnel had all changed, but the basic structure of Examiner, Advisory Board, and Lord Chamberlain remained in place. And it was from here that Joynson-Hicks was obliged to start in 1924 when he took office. The only significant difference was that the office was now non-political, but as noted above, that was rather an irrelevant distinction in this case. On the 16th December 1924, he was asked to decide whether the whole question of theatre censorship should be reopened, by the Lord Chamberlain himself. Joynson-Hicks replied that it would “require

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<sup>20</sup> Nicholson 2003 pp. 61-2

<sup>21</sup> *ibid.* pp. 62-67



legislation...it would be most inconvenient at the present time.”<sup>22</sup> This is interesting, given that in chapter 6 we will see that he was not always so wary about new legislation on the issue of morality and the suppression of vice. The most likely explanation for such wariness is the one that Lord Cromer offered to the King:

“The truth is that the Censorship of Plays is so thorny a question that no-one is particularly anxious to take it out of the hands of the LC, and to tackle it themselves. This responsibility I am quite prepared to shoulder.”<sup>23</sup>

In fact Joynson-Hicks seems to have feared that to reopen the question would have led to an uproar in which any chance of keeping a system of censorship intact would be lost. Two other complications ought to be noted. The Lord Chamberlain was in theory accountable to nobody, which may be regarded as a flaw in the system, but did at least mean he had no angry backbenchers or angrier voters to appease if he let through a play they wanted banned – and the overwhelming evidence is that, while most playwrights felt that the Lord Chamberlain was too strict, there were a great many powerful vested interests, including the Church and the moralistic political right, who felt he was too lenient – and so could be fairer than a partisan Home Secretary. The second is that there was no precedent for the Home Office to act as a formal censor – as we shall see in Chapter 4, all such decisions on literature were rather ad-hoc and often casual – so all that would have happened is that those staff of the Lord Chamberlain’s who dealt with censorship would have been transferred to the Home Office, making it overwhelmingly likely that there would have been no change in practice anyway. As a result, everybody in power seems to have felt that while there was clearly much to be said for transferring the responsibility of a licensing system to the Home Office, there was more to be said for letting sleeping dogs lie, which is presumably why Joynson-Hicks did nothing about theatre censorship during his time at the Home Office.

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<sup>22</sup> Johnston pp. 80-81. It is this correspondence that I particularly wished to see at the British Library, as I suspect there is much of interest in it.

<sup>23</sup> *ibid.*

Such contentment at the thought of slumbering canines was not, however, universal. In 1929, when J. R. Clynes had newly succeeded Joynson-Hicks and might have been open to pressure, the Under-Secretary of State at the Home Office received the following letter from James Wilson, the Chief Constable of Cardiff and honorary secretary of the Chief Constables' Association:

"Sir,

The Executive Committee of the Chief Constables' Association (Cities and Boroughs of England and Wales) have recently had under review the question of censorship, more particularly in relation to Stage Plays, as a Police duty.

They feel this task is not one rightly coming within the scope of Police duty and suggest the establishment of one Central Authority for the censorship of Stage Plays. Further that it should be the duty of the travelling manager of the performing company to have in his possession a copy of the script of the Play signed by some responsible person on behalf of that authority, with any alteration therein, duly initialled by such person, for production to the police at any time when called upon to do so; and that it shall be the duty of the Police to see that the script is strictly adhered to.

My Committee are also of the opinion that, so far as gesture or suggestion is concerned, the public themselves are their own censors.

The Executive Committee, therefore, respectfully suggest that the Secretary of State for the Home Department will consider the advisability of introducing legislation of the lines they have indicated."<sup>24</sup>

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<sup>24</sup> James Wilson, Chief Constable of Cardiff and Honorary Secretary of the Chief Constables' Association, to the Under-Secretary of State, Home Office (A. Crapper) 7th May 1929, in NA HO 45/24879/502742/21



This is a very curious letter indeed, and perhaps only important in what it implies, rather than what it demands. First of, as a civil servant named Crapper noted in a rather puzzled memo on the subject, such an authority as the one requested already existed, in the shape of the Lord Chamberlain's office. Such a principle as the one requested, of an approved script with initials in place, was already there, and should in theory be fully enforced.

But what is actually implied needs to be learned from the context. First, the mere fact that there was still an agitation for reform of the laws on censorship shows that Joynson-Hicks did almost nothing about it during his tenure as Home Secretary – almost certainly for the reason that Cromer gave to the King, that he feared it would be impossible to keep censorship alive in the context of a new parliamentary battle over it. Second, the context of the letter is interesting. Crapper himself wrote:

“The Chief Constables appear to be following the advice given at the Chief Constables' Conference by Mr. Bernard Shaw...One would think to read their letter that they had never heard of the Lord Chamberlain as a censor of Stage Plays.”<sup>25</sup>

If George Bernard Shaw was genuinely trying to persuade them of the inadequacy of the existing law, it seems on the face of it rather unlikely that he would be willing to support an alteration made along the lines suggested by Wilson – which essentially amount to the full function of the Lord Chamberlain's office being retained, but put under the control of the Home Office instead of under a royal official. Although the file in which his appearance at the meeting of Chief Constables was referred to does not appear to have survived, and so guesswork is the best that can be accomplished, it seems likely that he was simply trying to cause mischief with the police – perhaps in the hope that a very new Home Secretary would fall into the obvious trap and present just such a bill, stirring up the very furor that Joynson-Hicks had so carefully sought to avoid. S. W. Harris noted that “we [the Home Office] certainly cannot afford to relieve the Police of all duties in respect of the

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<sup>25</sup> Memo by A. Crapper, 18th May 1929, *ibid.*

character of public performances as we rely on them for the enforcement of the Lord chamberlain's decisions.."26

Certainly it cannot be assumed that Wilson enjoyed widespread support in his aims, even among the police. The Chief Constable of Birmingham was more than startled to see the letter, and as he pointed out, it was contradictory:

"Whilst objecting to the police censoring Stage Plays as not being a Police duty, it is suggested that legislation should be put in force to make it a duty of the police to see that the script is strictly adhered to. That is a very formidable task as compared with mere censorship on view or hearing."27

The implication was that he was far from eager to see such a system introduced.

This does lead on to the more general point of enforcement of the Lord Chamberlain's decisions. The Lord Chamberlain could, of course, send some of his staff to inspect a play and decide whether or not it conformed to the standards laid down in the licence (which would include not only the script but also dress, make-up and dramatic gesture).28 But that was a rule that obviously only held good in London. Members of the Lord Chamberlain's small and overworked staff could not for logistical reasons be dispatched to theatres in Glasgow, Sheffield or even Cardiff or Oxford to ensure that the rules were being followed. In such cases, the burden fell on the police. On the whole the rules were enforced, but patchily. Nicholson, again, provides a long list of how the Lord Chamberlain's decisions were enforced in different cities across England – from the plain-clothes, specialist branch of the police at Manchester, to the superintendent with three women "inspectors" (it is unclear whether this was a rank or a job description) who made frequent visits to theatres to inspect not only plays but also safety precautions, to Halifax where the inspections were left to magistrates and Leicester where it was left to the local "Watch Committee."29

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<sup>26</sup> Memo by S. W. Harris, 21st May 1929, *ibid.*

<sup>27</sup> Chief Constable of Birmingham to A. Crapper, 9th October 1929, in *ibid.*

<sup>28</sup> Nicholson 2003 p. 8

<sup>29</sup> *ibid.* p. 302



Such a variety of systems was perhaps unhelpful insofar as it meant there was no uniformity of approach. However, the mere fact of the Lord Chamberlain's existence meant that there was at least an element of order among the chaos, one far more slackly imposed in the case of film censorship, where the local authorities did have the power to overrule the censor. Some qualification must be inserted in that happy phrase however. It is, for one thing, by no stretch of the imagination impossible that in performances outside London, especially in those townships where the police were not particularly active, that the cuts demanded by the Lord Chamberlain mysteriously made their way back into the performance. While there were prosecutions, successful ones, at frequent intervals, it is very doubtful that they caught all offenders. As Nicholson wrote, "While we will never know exactly what happened on the ground, any analysis of censorship must at least avoid assuming that the Lord Chamberlain's control was always maintained in practice."<sup>30</sup> The Lord Chamberlain's office was obviously acutely aware of this. One of his staff, Crichton, resignedly wrote to a clergyman who had complained about one particular play,

"It is almost impossible, once a play has left London, to check how it is played in the provinces, and we know only too well that full advantage is taken of this fact by Managers and Touring Companies. It is, therefore, quite possible that the play may not now be given in the same form as it was when licensed."<sup>31</sup>

This particular play, by Miles Malleon, was called *Fanatics*. Malleon is probably best known today for his performances as a film actor in many classic black and white British comedies playing bumbling, unworldly characters (in, for instance, *Brothers in Law* as Mr. Grimes, *The Man in the White Suit* as a tailor and *Kind Hearts and Coronets* as the hangman). But he held extremely left-wing social and political views, and made his name as a radical playwright who gave full expression to them. Such a play was *Fanatics*. The advertisement

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<sup>30</sup> Nicholson 2003 p. 163

<sup>31</sup> Crichton to Revd. C.H. Hamilton, 5th March 1928, BL LCP Corr. 1926/6917

offered for it in the local paper for Southport, Lancashire, for a performance at the Opera House, is indeed somewhat racy in its description:

“Next week – October 24th, we are to have a visit of that startling and remarkable play – *The Fanatics*. It is described as one of the most outspoken plays that ever got past the censor. To mention only a few of the tense scenes with which this play abounds would perhaps show why it has been banned in some towns.

1) It indites [sic] the Churches (2) It talks frankly about birth control. (3) It has the audacity to stage a young woman who suggests a trial marriage to her fiancé. (4) It contains a disrobing scene (5) It describes the intimacies of three love affairs of an unmarried woman. (6) It is pacifist, anti-Capital and anti-Church. (7) It contains a servant girl who is going to have a baby by a married man. She confesses it while moving away the tea things!

This is surely a play for the broad minded.”<sup>32</sup>

This play obviously ran very close to being banned outright. However, even after it was eventually passed “with reservations,” the Lord Chamberlain’s staff knew that they could not be certain of retaining control of the subject matter once it had left London. The danger of being held up to ridicule by being simply ignored seems to have been one they were constantly alert to.

*Fanatics* is in any case an interesting example of censorship in the 1920s in action, by the very nature of its marginality. Had it been a straightforward decision to allow it or refuse it then the reader would simply have recommended a or advised against a licence and that would have been that. However, because

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<sup>32</sup> Cutting enclosed in letter from (illegible) occupant of Colonial House, Water Street, Liverpool to G. S. Street of the Lord Chamberlain’s office, 22nd October 1927, in BL LCP Corr. 1926/6917



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it was considered doubtful, Lord Cromer decided to consult the Advisory Board that had been set up in 1910. At this time, it contained the former Liberal Lord Chancellor, Lord Buckmaster. It is interesting to note Lord Buckmaster's opinion of *Fanatics*:

“I should licence this play:- its subject has been discussed in many books, notably Grant Allen's “The Woman who Did” and though the stage is not an appropriate machine for producing a symposium on ethics that is no reason for refusing a licence. The risk is the author's and the producer's and not the public's.

The dialogue on p70 might have come straight from Mrs Stopes and I think its modification is desirable.”<sup>33</sup>

It is curious that while the topic of *Fanatics* passed the muster of Lord Buckmaster, despite the somewhat graphic description of it given above, something which presumably referred to contraception did not.<sup>34</sup> This, of course, was one of the chief dangers of censorship – it is largely a subjective exercise. This may be partly why Lord Cromer wrote, for his own account:

“The ideas expressed in this play will undoubtedly appear too “advanced” for many people. Still, as the public likes to judge for itself, here is an opportunity.”<sup>35</sup>

Cromer here showed an attitude that is not so much enlightened – he did insist on modifications to the script – as curious. He seems to have decided to pitch for not what was absolutely safe to be passed, but to see how much he could get away with. This may be why he commented bitterly that “the criticism is not account of those plays that are stopped but on account of those that are

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<sup>33</sup> Buckmaster's opinion on *Fanatics*, in *ibid*.

<sup>34</sup> Marie Stopes, author of *Married Love*, was an early pioneer of birth control and contraception in the interwar years. Her work was controversial at the time, as was her book on the subject, *Married Love*, published in 1918. See Ross McKibbin, *Classes and Cultures: England 1918-1951* (Oxford 2000) pp. 319-320

<sup>35</sup> Earl of Cromer, opinion on *Fanatics*, 11th May 1924, in BL LCP 1926/6917



passed.”<sup>36</sup> It is worth noting the date of this letter – sent on the 24th November 1924, it was a mere month later that Joynson-Hicks felt obliged to back off from investigating censorship of the stage too thoroughly in case he stirred up a storm (an image Cromer also used) that he could not control.

One very good reason why there were comparatively few complaints about those plays which were suppressed is that there were comparatively few plays suppressed in the first place. As Nicholson noted:

“Banning a play was a last resort, avoided by the Lord Chamberlain wherever possible. Before that came the process of removing certain elements and of persuading the manager...to alter the script. Next time around, perhaps the manager would anticipate the difficulties and either refuse to touch the script or save time by insisting it must be altered before submitting it for a licence; the time after that, perhaps, the playwright would censor the play before sending it to the manager, or censor his or her own thoughts while writing. Preventing the unacceptable from being written or even imagined is probably the ultimate goal of censorship.”<sup>37</sup>

One of the complaints made by the Lord Chamberlain’s office against the film censorship system lying outside their control was that plays not submitted to the Lord Chamberlain for this reason, might be submitted as film scripts instead. Major Gordon, the Assistant Comptroller, spelled his fears out in forthright terms:

“I am directed by the Lord Chamberlain to ask that he may be advised whether a “talking” film, such as is now being produced at the Piccadilly Theatre, can be construed as being a Stage Play within the definition of Section 23 of the Theatres Act.

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<sup>36</sup> Cromer to Higgins, 30th November 1924, in BL LCP 1926/6767 (on *The Passion Flower*).

<sup>37</sup> Nicholson 2003 p. 2

While the film referred to above is probably harmless and differing little from an ordinary film, the Lord Chamberlain understands that there is a proposal to present other plays by means of “talking” films, and a difficult situation would arise should a play which has been refused a licence by his Lordship, or which has not been submitted for Licence for the reason that it was unlikely to be granted, be presented by means of “talking films” or “synchronised sound films.”<sup>38</sup>

Such a fierce letter suggests that the privilege Nicholson outlines is one that the Lord Chamberlain felt under pressure of losing in the 1920s, due to the demands of new technology and the dangers of an elderly system. It also suggests that the Lord Chamberlain’s office knew full well that there were plays that never got submitted to them in the first place because they were quite unpassable in the form they were due to be submitted in. This, perhaps not unexpectedly, is something that Sir John Johnston deliberately skates over. His remarks on the subject begin with, “The scripts which presented no problems – and they were the majority...” concluding with,

“the Lord Chamberlain...regarded himself as the licensor of plays rather than as a censor, and he considered it his duty to allow all plays submitted to him unless there seemed to be clear and unmistakeable reasons to disallow them.”<sup>39</sup>

It is remarks like this that led Nicholson to refer to Johnston’s “apologia” for the censorship system – of this particular remark, indeed, he commented that such an attitude was “no more than the usual conceit, conscious or unconscious, of all who impose rules that others must obey.”<sup>40</sup> It is certainly true to say that at best this view is ingenuous. The Theatres Act gave the Lord Chamberlain absolute power to refuse anything without giving a reason, however he may have

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<sup>38</sup> Major C. L. Gordon (Assistant Comptroller) to the Under-Secretary of State, Home Office, 12th October 1928 in NA HO 45/1380859412[/1]

<sup>39</sup> Johnston pp. 20-21

<sup>40</sup> Steve Nicholson, *British Theatre and the Red Peril: The Portrayal of Communism 1917-1945* (Exeter 1999) p. 4



“regarded” his duties. And, even where on moral grounds a play might be irreproachable, the catch-all of a threat to public order was always available to the Lord Chamberlain to suppress a play – one that Lord Chamberlains were prepared to use.

This can be particularly seen in their attitude towards a play about the Black and Tans,<sup>41</sup> the notoriously brutal British police force used against the IRA in the Irish rebellion after the First World War. Called *The Whirlwind Passeth*, it was submitted for licence in order to be performed in Liverpool in 1929. It had, in slightly different form, been refused a licence five years earlier when the events of Ireland were still fresh in collective memory. While the Lord Chamberlain and his reader both felt that, with the passage of time, and given that nobody denied the atrocities committed by the Black and Tans, such a play might now be permissible, Cromer first decided to consult the Chief Constable of Liverpool to see if he had any concerns about potential public order issues. The Chief Constable had very grave concerns about public order, and the whole thing eventually ended up in the lap of the Home Office.<sup>42</sup> They were somewhat less sanguine about the public order issue than the Lord Chamberlain. S. W. Harris wrote to Gordon:

“[I am] inclined to think that if there were clear evidence of the danger of public disturbance the Chief Constable would be able to take action in the special circumstances, notwithstanding that the play had been licensed, but this is a matter which would need further enquiry. As you want an answer at once I think we

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<sup>41</sup> There is some confusion as to exactly what constituted the “Black and Tans” – not least, in the recent film *The Wind that Shakes the Barley*. Strictly speaking, they were those officers of the RIC recruited on the British mainland to meet a manpower crisis caused by resignations and a lack of recruits from Ireland in the Troubles of 1919-1922, getting their name from the mixed green and khaki uniforms they were issued with (instead of standard green) due to shortages of suitable RIC uniforms. However, the term was also used to refer to the RIC officers *and* the Auxiliary Police Force, a distinct and much more military organisation, as well, who were otherwise called simply “the Tans” after their all-khaki military uniforms – see Robert Kee, *Ireland, A History* (third edition London 2003) pp. 182-5 for a cogent brief discussion of the difficulties of labelling them correctly. In the case of this play, it seems to refer to both or either, using artistic licence to blur the difference.

<sup>42</sup> Nicholson 2003 pp. 257-8

ought to regard the legal position for the moment as it would obviously be desirable on all grounds to prevent any conflict between the Lord Chamberlain's office and the action of the local authority.

Liverpool with its large and vocal Irish population is of course the worst possible atmosphere for a play of this character and the Chief Constable appears to have good grounds for his apprehensions.

In these circumstances would it not be well for the Lord Chamberlain to discuss the matter with the Chief Constable...beford [sic] deciding to proceed any further? Sir John Anderson agrees that this would probably be the best thing to do in the circumstances."<sup>43</sup>

This is a very remarkable letter for a number of reasons. First of all, it suggests that the Lord Chamberlain could still be subordinated to the Home Office if the latter really decided to flex its muscles, despite the theoretical independence of the post. In practice, in this case, it was due to the strong links the Home Office had to the police. How powerful that hold was may be judged from the fact that Cromer backed down; although he gave no explicit reason for refusing a licence, he mentioned writing to the Chief Constable of Liverpool, which leads to an automatic presumption that without his objections and those of the Home Office, the play would have passed.<sup>44</sup> Second, it suggests that the Lord Chamberlain's decision was not always final, and that it could be overruled by the local police and possibly the local authority if they were so inclined – especially if there was a threat to "public order." As Nicholson implicitly noted, this put huge power into the hands of the London Public Morality Council and its sister organisations, who could always threaten massive demonstrations against plays they took exception to and therefore allow a magistrate or officer sympathetic to them to close the play down. This of course also extended to those plays that were written before 1737 and therefore technically did not require a licence from

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<sup>43</sup> Harris to Gordon, 28th November 1929, in NA HO 45/24789/502742/25

<sup>44</sup> Gordon to Harris, 30th November 1929, in *ibid.*



the Lord Chamberlain.<sup>45</sup> Third, and above all, it showed that the Lord Chamberlain was not necessarily as strict in the interpretation of his role as censor as some of his ostensible supporters – in the police and in the administration.

It is worth noting that the question of public order could be interpreted very broadly indeed, to suppress plays that did not threaten a riot but had incurred the displeasure of those in authority – usually with the assistance or at the suggestion of the Home Office. One play which provoked a major correspondence in this area was a play called *Surmise*. According to the playwright it was “suggested” by the murder of Percy Thompson in 1922, for which his wife, Edith Thompson, and her lover, Frederick Bywater, were both hanged. The Lord Chamberlain was happy that it could be passed with modifications, but sought advice from the Home Office on whether it was advisable to allow it to be licensed in light of its link with notorious recent events.<sup>46</sup> Ernley Blackwell’s own opinion could hardly have been clearer, and is worth quoting at some length:

“1) This play is not merely suggested by the case of Mrs. Thompson and Bywaters. The frame of it, with slight alterations necessary for dramatic purposes...is the frame of that case. The characters, that is the individuals, are quite clearly identifiable, though the characters given to the individuals in the play, their motives and inter-relations, are a travesty upon what is known of the principal persons involved in the actual case.

The case occurred less than five years ago and it seems to me that all the reasons set out by Mr. Street in his last paragraph apply here and should have led him to recommend refusal of licence. The character given to Harold Carter (Percy Thompson, the husband), namely that of a cynical and sensual monster who derives some sort of satisfaction by watching the intrigue between his wife and her lover and prides himself apparently upon his sexual attraction and her appetite to hold her to him,

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<sup>45</sup> Nicholson 2003 pp. 6-7

<sup>46</sup> Lord Cromer to H. R. Boyd, 27th July 1927, in NA HO 45/18008/549494/2

must of necessity be offensive and give pain to his surviving relatives...

(2) To my mind a much graver objection is one that is only hinted at by the Reader, and he thinks that in this case it does not apply, namely "in the case of criminal matters if they would prejudice a court not finally determined." This case was finally determined in a sense some years ago. The two prisoners were convicted on the verdict of a jury of men and women of participating in a foul and sordid murder. No doubt some of the members of the jury have already had to bear a certain amount of obloquy from persons who have derived a totally false view of the case from the writings of such men as Filson Young. It is now proposed to present in this play, to thousands of people and to millions if it is filmed – and there would be no reason for barring a film if the play were licensed – a view of the case according to which Mrs. Thompson was a completely innocent if pathetically foolish and romantic woman who was not to blame in any way for the murder of her husband by Bywaters, and who was the victim of the worst miscarriage of justice that has occurred certainly within living memory."<sup>47</sup>

The full gamut of reasons is interesting, but the hint in the last paragraph that Blackwell considered there would be difficulties created for the jurors who had sat in the case if they were held to have committed an unpardonable miscarriage of justice is an interesting one. He seems to have foreseen angry mobs around their houses, complete with the requisite pitchforks and torches. Whether it was an accurate reflection of his real views is a different matter. It is perhaps nearer to the mark when he wrote, in his actual letter to Cromer,

"It is, I think you will agree, important that confidence in the administration of criminal justice in this country should be preserved. Criticism there must be and it can be met, but it

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<sup>47</sup> Minute by Ernley Blackwell, 10th August 1927, in *ibid.*



would be wrong to encourage attacks based upon a gross misrepresentation of a particular case.”<sup>48</sup>

In fact, he was less concerned about the unfortunate jurors being attacked than the thought of the criminal justice system being questioned. Public order, however, made a very convenient excuse to hold on to his dignity and cover his real interest. His fire paid off when Cromer promptly backed down and refused a licence.<sup>49</sup>

It is perhaps surprising that this particular play was recommended for a licence in the first place, as it surely came into conflict with the recommendation of the 1909 Select Committee that the portrayal of living persons or those who had only recently died (especially unsympathetic portrayals) should be considered grounds for refusing a licence – something that, according to Johnston, they more or less observed.<sup>50</sup> Yet in this play the (living) younger sister of Mrs. Thompson “is described as “the incarnation of giggling, sex-conscious suburbia”, whatever that means.”<sup>51</sup> Blackwell himself thought that she (Mrs. Thompson’s sister) would certainly have grounds to sue for libel.<sup>52</sup>

At any rate, it was by no means the only play based upon a genuine murder case to be recommended for suppression by the Home Office. In 1912 similar short shrift was given to a script on the case of Dr. Crippen, whose case in 1910 had sparked such a sensation.<sup>53</sup> In October 1929 Cromer again sought clarification on a play about George Joseph Smith called, rather unimaginatively, *The Brides in the Bath*. J. R. Clynes, who had replaced Joynson-Hicks as Home Secretary, took a simple and forthright view which he had no hesitation in expressing:

“I have seen your minute on the play “The Brides in the Bath” which has been submitted to you for licence and I entirely agree with your view that this play should not be licensed. In my view

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<sup>48</sup> Blackwell to Cromer, 12th August 1927, in *ibid.*

<sup>49</sup> Cromer to Blackwell, reply, 17th August 1927, in *ibid.*

<sup>50</sup> Johnston pp. 110-111

<sup>51</sup> Blackwell minute of 10th August, *op. cit.*

<sup>52</sup> Handwritten addition to minute, *ibid.*

<sup>53</sup> See files relating to this in NA HO 45/18008/549494/1

no play should be allowed which is based on a capital case if anyone who was concerned with the original incidents is likely to be still alive.”<sup>54</sup>

Cromer himself “welcomed” this view.<sup>55</sup> Although not an issue strictly of morality, there was no doubt about the consensus evolved on the subject of libels and attacks on the justice system through the theatre in this period.

It is perhaps rather suggestive that in those cases the Lord Chamberlain was obliged to seek clarification from the Home Office, it was what the Home Office said that generally went – this despite Joynson-Hicks having refused the chance to take formal responsibility for the system in 1924. This may have been largely out of practical necessity. Nicholson identified in the actions of Lord Cromer a man anxious to hang on to power, by seeking to avoid controversy and blunt the attacks of his enemies on all sides – the Home Office, the London Public Morality Council, and the writers. This led to the curious paradox of the Lord Chamberlain, the official censor, resisting demands for stricter censorship from “the efficiently organised and well connected [London] Public Morality Council.”<sup>56</sup> It is true that in 1924, nobody could have guessed that theatre censorship would still be a thorny topic in Britain as late as 1968. But equally, nobody could have foreseen in 1909 that a system devised in 1843 and dating back to Tudor times would still be functioning after an exhaustive parliamentary inquiry inspired by a government at that time boasting a majority of several hundred.

The Lord Chamberlain survived largely because it was impossible to think, less of a better system, than a better system that would be as widely accepted. Obviously there were strong arguments for handing over control of the censorship systems to a Government department accountable to Parliament, or for abolishing them outright, or for a system of self-censorship based on managers. But the first would have been unacceptable to the writers, the second to the London Public Morality Council and its Parliamentary supporters (almost

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<sup>54</sup> Clynes to Cromer, 25th October 1929, in NA HO 45/18008/549494/5

<sup>55</sup> Cromer to Clynes, 30th October 1929, *ibid.*

<sup>56</sup> Nicholson 2003 p. 14



certainly also to Joynson-Hicks himself) and the third to the managers, who had proven timorous about accepting responsibility for mistakes that might lead to expensive and embarrassing lawsuits.

Joynson-Hicks himself, for all his scepticism in 1924, said of the Lord Chamberlain in 1929 that his role as stage censor was “one of those curious factors in the English constitution, which are not founded on any logical position but which work, as many of our laws do, quite satisfactorily.”<sup>57</sup> He was quite unabashed about the need to check “every form of filth” that crashed out of the literary mind, and considered himself to have substantial public backing in saying so. It is obvious, however, from the way he drew back from reforming the Lord Chamberlain’s office in 1924 when he was offered the chance, that either he was worried about the potential for trouble with the anti-censorship forces if he tried changing the existing system, or that he was genuinely satisfied that the Lord Chamberlain did the job as well as he could – or possibly both. After that his role in theatre censorship was peripheral at best. While he could offer advice, it does not seem that he did so – which was not always the case with the topics examined by this thesis.<sup>58</sup> That would suggest that he was at least content with the stance of the Lord Chamberlain on most issues, although if the idea of tightening censorship and bringing it under Home Office control in 1924 had not been likely to cause problems for him politically, it is hard to believe that he would not have taken the option of doing it.

It is, in fact, quite difficult to believe that a system in which censorship had no place at all would have been accepted in the 1920s. It is easy to visualise an endless stream of lawsuits inspired by the wealthy and powerful London Public Morality Council forcing managers, in the end, to be far more cautious about what they allowed on stage than they had ever been under the Lord Chamberlain. Even in 1968, there were complaints in the press that “the Lord Chamberlain’s role in the world of theatre was abolished at precisely the wrong moment.”<sup>59</sup> Or, to put it another way, the main agitations of those who had the most power to do anything was for a tightening, rather than relaxing of the law. This is certainly the case when examining film censorship, which was a

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<sup>57</sup> Lord Brentford, *Do we need a Censor?* (London 1929) p. 18

<sup>58</sup> See below chapters 4, 5 and 6.

<sup>59</sup> *The Daily Telegraph*, quoted in Johnston p. 254

comparatively new concept in the 1920s and which became sterner as the decade progressed.

Perhaps the most important thing about the Lord Chamberlain's office is not *why* it existed, but that it did exist. It alone set a formal benchmark for any sort of official censorship in the 1920s, and it therefore must serve as a benchmark for this study. It also shows that the Home Office, despite its assertions to the contrary, did run a government system of censorship, even at arms-length, and this perhaps made it more willing to interfere in other fields. The two most nearly analogous are literary censorship and film censorship. It is to the former of these fields that we now turn.



#### **4) Literature, Pornography and Obscenity.**

““French, eh?” he said. “I guessed as much, and pretty dirty, too, I shouldn’t wonder. Now just you wait here while I look up these here *books*” – how he said it! – “in my list. Particularly against books the Home Secretary is. If we can’t stamp out literature in this country, we can at least stop it being brought in from outside. That’s what he said the other day in Parliament, and I says, “Hear, Hear...””

Evelyn Waugh, *Vile Bodies*.<sup>1</sup>

Evelyn Waugh’s satirical pen merely gave voice to what many people in his walk of life thought in the late 1920s, for Joynson-Hicks’ purity campaigns perhaps reached their apogee in the field of literature. During the 1920s many authors were experimenting with new styles or pushing the boundaries of acceptability, or both: names such as James Joyce, Aldous Huxley, D. H. Lawrence, T. S. Eliot, T. E. Lawrence and, to a rather lesser extent, Radclyffe Hall, have been famous down the years. All of them boldly refuted the societal norms, challenged the Obscene Publications Act and generally fought what might be termed the “establishment.”

This chapter seeks to focus on four things. First, it briefly describes the legal framework of the times under which the Home Office and Customs operated with regard to obscene literature. Second, it discusses the literary scene of the 1920s, in the social context of the times. Third, it discusses the Home Office response to what it regarded as obscene literature – an important caveat, as this was an inherently subjective subject. What I or D. H. Lawrence might consider obscene would be very different from the view of Joynson-Hicks or Sir John Anderson. Finally, it will attempt to draw some conclusions about what was done, whether it was right or wrong, and what could have been done better or differently.

The Obscene Publications Act of 1857 (hereafter OPA) was a quite remarkable mechanism for suppressing obscene publications. Named “Lord Campbell’s Act” after the man who introduced it, it gave the magistrates power

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<sup>1</sup> Published in 1930: this from the “Penguin Classics Edition” (London 2000) p. 20. I am grateful to Mr. Owen Collins for drawing my attention to this passage.

to destroy books and prints found inside the country, if they were deemed to be either written for or in danger of “corrupting the morals of youth.” Ten years later, in what became known as the Hicklin case, it was interpreted to mean that published works should be prevented from harming anyone’s morals. The test was therefore not whether the publication had literary or artistic merit, or whether it was *intended* to be pornographic, only that it *could be* pornographic. The words “a tendency to deprave and corrupt” were brought into the language.<sup>2</sup>

Imported books were dealt with slightly differently. They could be held by Customs, under the Customs Consolidation Act of 1853, revised into the Act of 1876. Under this act, any material a Customs inspector deemed obscene could be seized and notice given to the bearer or consignee, either in writing or orally, that this had been done (as above). The consignee or bearer then had one month to contest the seizure in writing. If that was done, Customs had to go to court to prove their case – and they did have to prove it. However, seizure was not normally contested, so this seldom happened.<sup>3</sup>

Joynson-Hicks’s response to the new style of literature was not necessarily hard and fast. As he himself pointed out, the OPA made no allowance for a pattern of censorship. If a book was sent to the Home Office with a complaint, the Home Office could either uphold the complaint and order the book to be prosecuted and presumably banned, or reject the complaint and decline to hear further argument on the matter. Joynson-Hicks wrote, after leaving the Home Office, that to fail to do either of these, especially if a potential publisher had asked for an opinion on whether or not the book was permissible under the law, would be “not a very helpful attitude.”<sup>4</sup> Otherwise, the Home Secretary had comparatively little power to act.

Far too little has been written from a historical perspective on this subject. Much of the work that does exist consists of critical studies of the works themselves. The most important which may be mentioned here include David Ayers, *English Literature of the 1920s*, which, in its own words, sought

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<sup>2</sup> C. H. Rolph, *Books in the Dock*, (London 1969) pp. 52-4 gives an accessible brief survey of this law.

<sup>3</sup> *ibid.* pp. 51-2

<sup>4</sup> Lord Brentford (i.e. William Joynson-Hicks) *Do we need a censor?* (London 1929) especially pp. 13-15.



to “[situate] the fiction of the 1920s in its social and political context.”<sup>5</sup> In this he is somewhat less than successful. Ayers’ knowledge of the strictly political context often seems scanty, and his efforts to put the writers in context never quite comes off, partly because inadequate space is devoted to it. An excellent critical study of various inter-related books of the 1920s emerges: but it is of limited value as a source for the historian. Of similar size and performance is Hena Maes-Jelinek, *Criticism of Society in the English Novel Between the Wars*, which begins with the impact of war on England and then goes on to study how various writers, specifically listed by name on a chapter-by-chapter basis, wrote about the changes in society in their novels, and how they often ended up with widely differing perspectives even when they had had similar experiences.<sup>6</sup> Again, while an interesting literary study with merit in its own field, this is of limited use in a historical thesis. John Lucas, in *The Radical Twenties: Aspects of Writing, Politics and Culture*, comes perhaps nearest to providing a marriage of the two competing disciplines. In it, Lucas tried to analyse not how but why writers wrote as they did, finishing up with a chapter on the General Strike of 1926 and the way it divided the literary world.<sup>7</sup>

Slightly more of value has been written on the specific cases as they arose. On the dominant case in this chapter, the 1928 trial of *The Well of Loneliness*, the author’s position was set out in a bitter, biting study by Vera Brittain, an original reviewer of the book and a disallowed witness at the 1928 trial. Even the title of her book, *Radclyffe Hall: A Case of Obscenity?* underlines the author’s position. How much use the conclusions of this study are is open to doubt. The introduction, written by C. H. Rolph, was also rather one-sided, and sometimes lost sight of his argument. For instance, he spent three whole pages condemning Cape’s decision to send *The Well of Loneliness* to the Home Office for a legal opinion, before finally winding up with the sneer that “to send a ‘dubious’ book to the Home Office for approval...was like submitting the plans

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<sup>5</sup> David Ayers, *English Literature of the 1920s* (Edinburgh 1999) p. 1

<sup>6</sup> Hena Maes-Jelinek, *Criticism of Society in the English Novel Between the Wars* (Paris 1970) p. ii. The study refers throughout to “England,” although Maes-Jelinek may mean “Britain.”

<sup>7</sup> John Lucas, *The Radical Twenties: Aspects of Writing, Politics and Culture* (Nottingham 1997) see especially Chapter 7.

for a train robbery.”<sup>8</sup> However, Brittain’s great energy and mastery of detail mean that much of value can be obtained on specific points from the book as a whole, and an invaluable timetable of the case is also provided. A more recent biography of Radclyffe Hall herself by Diana Souhami came to the conclusion that the case demonstrated institutionalised homophobia in the Baldwin government and the Home Office.<sup>9</sup> This book is the only recent effort to deal with Radclyffe Hall. That is unfortunate, given the serious technical shortcomings in its referencing system and its almost impenetrable prose style. It also makes, in practice, the very moral judgements it criticizes Joynson-Hicks and the Home Office for making. For instance, “homophobia” is a modern term and a modern concept, evolved during Tatchell’s campaigns of the 1970s and 1980s.<sup>10</sup> While moral judgements relative to the time of writing are probably unavoidable in practice, a certain restraint might have been desirable, and to produce a meaningful account a more balanced attitude would have been essential.<sup>11</sup> Nevertheless, some of its passages are useful, given the vast quantity of data that Souhami collected, and it will be used where it is relevant.

There have also been some gender based studies of *The Well of Loneliness*, in particular works about lesbianism and lesbians in the early twentieth century. Laura Doan’s *Fashioning Sapphism* is among the most notable, a study of how *The Well of Loneliness* helped create a “new lesbian culture.” It did this by, in the author’s words:

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<sup>8</sup> C. H. Rolph, introduction to Vera Brittain, *Radclyffe Hall: A Case of Obscenity?* (London 1968) pp. 22-5 (direct quote from p. 25)

<sup>9</sup> Diana Souhami, *The Trials of Radclyffe Hall* (Virago edition London 1999) pp. xi-xii

<sup>10</sup> Matt Houlbrook, *Queer London: Perils and Pleasures in the Sexual Metropolis 1918-1957* (Chicago 2005) discusses the emergence of homophobia as part of homosexual identity p. 7. He also refers to talk of “homophobia” for this period as “socially and culturally blind” (p. 180) and “ahistorical” (p. 222).

<sup>11</sup> For an excellent discussion of the problems that moral judgements in historical accounts can throw up, see Richard J. Evans, *In Defence of History* (second edition London 2000) pp. 49-53



“[an] insistence on a particularized national context and temporality in interrogating a range of myths long accepted without question.”<sup>12</sup>

In practice, it amounts to a thorough dissection of lesbian movements and cultural developments in Britain in the 1920s, using the trial as a starting point but paying comparatively little attention to it – or to Joynson-Hicks, whom Doan dismissed as a “marginal” figure, although adding in a scathing denunciation of him at the same time. Some of its attempts to consider the wider lesbian scene and the cultural attitude of society as a whole towards them are however useful to this thesis. Other works on lesbianism include Emily Hamer’s *Brittania’s Glory: A History of Twentieth-Century Lesbians* (London 1996) which offers a series of short biographical essays on a variety of famous women who were either thought to be or avowedly lesbian, including Radclyffe Hall. However, the relevant parts of Hamer have largely been superseded by Souhami’s work, which I have generally preferred as a source in consequence.

D. H. Lawrence, the other figure covered in some depth, was not only a far more famous (and, incidentally, far better) writer than Hall, but also a much more energetic one. His oeuvre, despite his comparatively short life, is much larger than that of Hall’s, and includes not only novels but poetry, short stories, critical essays and essays on literary theory. As a result he has attracted much more attention than Radclyffe Hall. There are several biographies of him available that can be drawn on, companions to his work, and published collections of his private papers including his letters.

This chapter will concentrate heavily on *The Well of Loneliness* case – indeed will make something of a case study of it – because it is an excellent example of the confusion at the heart of this particular aspect of obscenity and morality. It is a book without a single indecent or rude word. The most daring sentence is, “...and that night they were not divided.”<sup>13</sup> But this was a reference to two women that were not divided. *The Well of Loneliness* was an early book

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<sup>12</sup> Laura Doan, *Fashioning Sapphism: The Origins of a Modern English Lesbian Culture* (New York 2001) p. xxiii

<sup>13</sup> Radclyffe Hall, *The Well of Loneliness* (London 1928, 1949, this edition London 1973) p. 316

on lesbianism, written by an avowed lesbian writer. In the words of Joynson-Hicks to the publisher, *The Well of Loneliness* was “inherently obscene in that it deals with and supports a depraved practice and that its tendency is to corrupt.”<sup>14</sup> The net result was that the book was withdrawn on the most tenuous grounds imaginable, something for which Joynson-Hicks has been blamed in every single study of the subject. While it would have been interesting to compare it with the only other book banned outright in the 1920s – *Sleeveless Errand* by Norah C. James – that is sadly not possible due to an absence of government papers on the subject. The only account of this affair is in the book written by its publisher, Eric Partridge, in 1930 – hardly a new account, and not one of great interest therefore in a study seeking to throw fresh light on the affair. The only really interesting thing that can be said about it from that point of view is that it was banned after a private citizen drew the attention of the police to it, causing them to act swiftly to seize it – a way very unlike the path taken by *The Well of Loneliness*.<sup>15</sup>

The limitations, and indeed absence, of previous studies may be due to this inaccessibility of government papers on the subject. Vera Brittain had no access to the government records chronicling the case, because they did not come under the Thirty Year Rule. The documents I have consulted on *The Well of Loneliness* were closed for 100 years, and have only been opened in the last ten years after a review prompted by the efforts of Diana Souhami for her own book. Even with this assistance, the evidence is patchy. The Home Office initially retained several files as too sensitive for publication, claiming that to release them would “impede national security.”<sup>16</sup> As far as I can judge from the numbers of the retained files, that has now been put right, but that does not complete the evidence. Large numbers of the relevant files have been destroyed, and to judge from such hints as can be gleaned from the remainder, the missing files are much the most important and controversial. They included, apparently, documents concerning the interception (albeit accidentally) of letters from

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<sup>14</sup> Joynson-Hicks to Messrs. Jonathan Cape, 22nd August 1928, NA MS. HO 144/22547 527705/3

<sup>15</sup> Christopher Hilliard, “The literary underground of 1920s underground,” *Social History* 33:2 (2008) pp. 164-182, p. 175 quotes Partridge’s account and offers a brief analysis of it.

<sup>16</sup> Souhami p. XI.



Jonathan Cape's solicitors to the Pegasus press in Paris concerning the court case.<sup>17</sup> The accelerated openings may also account for the erratic foliation and rather inadequate cataloguing of these documents, along with the endless repetitions of flimsy copies.

The 1920s have been seen as the stamping ground of a "new literature" inspired by the war. In this analysis, the war, by loosening the constraints of Victorian literature, by the severe psychological impact of loss of life and the horrors of the trenches, would permit an atmosphere in which a newer, less stringent morality could thrive.

However, this explanation is doubtful, because it takes too little account of longer-term developments in literature that pre-dated the war. It is certainly true that the ties of morality on literature slackened. Perhaps the best literary representation of this is in Aldous Huxley's *Point Counter Point* (1928). As Nicholas Mosley was to write nearly eighty years later

"It [*Point Counter Point*] told of people who were clever and witty but above all free – free from convention and much social obligation, free to experiment with their own ideas and lives. They were not particularly happy: but they confronted life with energy; they did not seem to be at its mercy."<sup>18</sup>

But this might more fairly be seen as the culmination of a long process dating back to before the war. Although A. N. Wilson attributed modernism in English literature solely to imitators of T. S. Eliot, it was in fact a style of writing that had been a long time gestating.<sup>19</sup> E. M. Forster, in many ways the finest example of early modernism, wrote only one book after the war, *A Passage to India* (1924) and that was possibly less significant in terms of new literary developments than either *A Room with a View* (1906) or *Howard's End* (1910). It

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<sup>17</sup> Memo of Home Office, 16th December 1928, NA HO 144/22547 527705/64, contains a hint to that effect.

<sup>18</sup> Nicholas Mosley, introduction to Dalkey Archive Press edition of *Point Counter Point* (Normal, Illinois 1996) p. v

<sup>19</sup> See A. N. Wilson, *After the Victorians* (London 2005) p. 300: see pp. 202-4 for his view of Eliot's importance.

should also be pointed out that Robert Graves and Alan Hodge – who as professional writers actually knew what they were talking about – considered James Joyce, Aldous Huxley and D. H. Lawrence as the most significant new writers of what they termed they *avant-gardists*, and none of those three actually fought in the war.<sup>20</sup>

The 1920s might perhaps be more correctly termed a time when people were readier to listen to these new writers and artists. Nevil Shute, who was himself to become a popular writer, spoke of the need to adjust at the end of the war to the fact that “there was a strange stuff called fun to be got out of life.”<sup>21</sup> The extraordinary scenes described by Graves and Hodge on the signing of the Armistice suggest anything but a Victorian propriety.<sup>22</sup> Whatever their merits as writers, Huxley, Lawrence and Joyce were definitely not the sort of writers ordinary people would read for fun. *Ulysses*, in fact, is the sort of book practically nobody would ever want to read at all. They regarded themselves as artists, and were treated as such.

However, it would be true to say that there was a certain amount of movement towards a new style in the popular market as well. E. M. Hull was a writer aiming at a mass audience and in *The Sheik* (1919) she created a romance of a very modern kind.<sup>23</sup> Rather than the main female character, Diana Mayo, being overwhelmed by the good looks and charm of a boring English gentleman, she is kidnapped by an Arab tribal chief, repeatedly raped, falls for him completely and nearly shoots herself when he decides that they must part. Rather spoiling the overall notion of a new morality and racial awareness, it all ends semi-conventionally. Ahmed Ben Hassan is not a “barbarian sheik,” but the son of the Earl of Glencaryll. He is not a brutal rapist (at least not all the time) but a passionate and sensitive man, able, highly educated and fluent in several languages.<sup>24</sup> He falls in love with Diana, having seized her to gratify a whim, and they go on – presumably – to live happily ever after. Indeed, in today’s terms *The*

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<sup>20</sup> Robert Graves and Alan Hodge, *The Long week-end: a social history of Great Britain 1918-1939* (London 1940) pp. 196-7

<sup>21</sup> Nevil Shute Norway, *Slide Rule* (paperback London 1968) p. 34

<sup>22</sup> Graves and Hodge pp. 17-18

<sup>23</sup> Note: the book’s title is spelt that way, not in the more usual modern form of “Sheikh”

<sup>24</sup> Most of the sexual action is implicit: it starts with a semi-suggestive phrase and suddenly cuts to several hours later.



*Sheik* is not daring so much as slushy. But it is hard to imagine Jane Austen, perhaps the yardstick of romantic novelists throughout the nineteenth century, writing something like it.

*The Sheik* can be; and indeed has been; seen as a veiled attack on the sexual repression of the English (British) middle and upper classes. Diana Mayo is cold, calculating, tomboyish, essentially sexless, until Ahmed Ben Hassan rouses her to womanhood with repeated sexual assaults, inverting all her previous thoughts on sex and sexual relationships.<sup>25</sup> Of more significance was *The Sheik's* immense popularity. How far its fame fed off the film version starring the handsome, if foppish, Rudolph Valentino is uncertain, but both were tremendous successes.<sup>26</sup> The implication was clear. The writers had moved on from Victorianism. At least some of the reading public had moved on with them. They both wanted something racier than they had been granted before. Perhaps a clash with the unchanged law was inevitable.

What, then, of the most public and certainly the most legally significant of those clashes, the banning of *The Well of Loneliness*, which was to serve as a standard in obscenity cases until 1960? The facts of *The Well of Loneliness* (universally referred to at the time as just "*The Well*") case as they appeared in public at the time are comparatively simple.

It is essentially a plea for toleration of lesbianism, or as it was euphemistically called at the time, "female inversion."<sup>27</sup> In actual fact, it is almost as conventional a novel, albeit in a still more obscure way, as *The Sheik* is. It shows how the "invert" will live as an outcast, a pariah, and be incredibly miserable. Stephen, the chief character, is strong enough to survive and even to thrive, but has to let her weaker lover, Mary, less mentally well-equipped than Stephen is to cope with a life beyond the Pale, go into an ordinary marriage, at

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<sup>25</sup> Ayers p. 197

<sup>26</sup> See Karen Chow, "Popular Sexual Knowledges and Women's Agency in 1920s England: Marie Stopes's *Married Love* and E. M. Hull's *The Sheik*" *Feminist Review* no. 63 (autumn 1999) pp. 64-87, pp. 71-78 for a fuller discussion of the sexual undercurrents of both the book and the film.

<sup>27</sup> This is actually the way Radclyffe Hall herself described it. The Home Office tended to refer to her as a "homo-sexualist."

terrible emotional cost to Stephen herself.<sup>28</sup> It was published in Britain by Jonathan Cape, in a dull black binding and at a high price in an attempt to limit its circulation and keep discussion within an “appropriate” circle. In this it was manifestly unsuccessful. It somehow came to the attention of James Douglas, journalist, moralist and editor of the hugely influential *Sunday Express*.

In one of his more scathing editorials, Douglas ranted about *The Well of Loneliness*, climaxing with his famous declaration that “I would rather give a healthy boy or a healthy girl a dose of prussic acid than this novel.”<sup>29</sup> Laura Doan was sceptical about how far he represented public opinion in this piece. She underlined that the overwhelming majority of reviews were sympathetic towards *The Well of Loneliness*, and goes so far as to label the Douglas attack “aberrant.”<sup>30</sup> However, there is a very simple reason why there had been no similarly aggressive reviews before, one that Doan did not spot. Cape, upon publication, had limited his reviewers to, in the words of Michael Howard, “only to the serious newspapers and weekly journals; the *Sunday Express* was not on the list.”<sup>31</sup> In other words, he had made sure that only reviewers that were either liberally-minded on the subject of homosexuality or not liable to resort to hysteria in order to rouse their audience received copies. As a result, the sample cannot be taken as representative or indicative of opinion on the question of broader sympathy towards homosexuality or lesbianism. In any case, after Douglas’s article, there was always bound to be a major controversy on the subject, which may have been what Douglas intended all along.

Douglas’s attack provoked a fierce response from Jonathan Cape himself. In a published letter to the *Daily Express* he wrote:

“In the *Daily Express* you quote from the *Sunday Express* article, “I would rather give a healthy boy or healthy girl a phial of prussic acid than this novel.” But why should anyone give this book to any boy or girl? It is not intended for boys and girls.

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<sup>28</sup> Ayers pp. 143-44

<sup>29</sup> James Douglas, *Daily Express*, 19th August 1928, quoted in Brittain p. 57

<sup>30</sup> Doan p. 5

<sup>31</sup> Michael S. Howard, *Jonathan Cape, Publisher* (London 1971) p. 103



“The result...[of this] article can only be to nullify our most careful attempts to see that this book reaches the right class of reader. A wide and unnecessary advertisement has been given to the book, and all the curious will now want to read it...The smut hounds will be anxious to read it so that they may lift up their hands in indignation that such things can be allowed.”<sup>32</sup>

But Jonathan Cape made a serious tactical error in this letter. In the last paragraph, as a crowning riposte, he declared that he would send the book, the favourable reviews (most of which had applauded the book’s bravery while quietly ignoring the glutinous sentimentality and the intellectual laziness of the literary style) and Douglas’s article to the Home Secretary. He would then abide by the Home Secretary’s adjudication on whether or not the book was obscene, and if the Home Secretary so wished it, to withdraw the book.<sup>33</sup>

Seldom can a more unwise decision have been made in the annals of publishing. As a C. H. Rolph later lamented, ““The Preposterous Joynson-Hicks” was a man of his time as well Home Secretary; and he was a lawyer as well as being a leading Evangelical.”<sup>34</sup> And indeed, he acted precisely as should have been expected. He informed Cape that “I am satisfied that it [*The Well of Loneliness*] is inherently obscene in that it deals with and supports a depraved practice and that its tendency is to corrupt.” He therefore invited Cape to withdraw the book, as Cape had volunteered to do.<sup>35</sup> Cape bowed to Joynson-Hicks’ wishes, albeit with little grace, and withdrew the book.

It is here that even the public story starts to get complicated. Having withdrawn the book Cape, in what was either “a courageous, positive and liberal-minded” move (to Hall’s defenders) or an outrageous breach of a gentlemen’s agreement (to the Home Office) sent the printing moulds to the Pegasus Press in Paris.<sup>36</sup> These were used to form a new type: with the net result

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<sup>32</sup> Jonathan Cape, letter in *Daily Express*, 20th August 1928

<sup>33</sup> *ibid.*

<sup>34</sup> Rolph in Brittain p. 25

<sup>35</sup> Joynson-Hicks to Messrs. Jonathan Cape Ltd., 22nd August 1928, NA HO 144/22547/527705/3

<sup>36</sup> The first was Vera Brittain’s view of Jonathan Cape’s character, rather than his actions: see Brittain p. 85: for the second, cf. “Cape has not acted

that within two months of the withdrawal of *The Well of Loneliness* in Britain, it was being sent to customers in that country by mail order from France.

It was this that decided the Home Office to prosecute Cape under the Obscene Publications Act of 1857. This was a highly unusual move in the circumstances, because the importation of obscene material was usually dealt with under a quite different law, the Customs Consolidation Act of 1876, but this was impracticable for reasons that were kept quiet at the time but will again be discussed later. The case was brought before Sir Chartres Biron, the Chief Magistrate at Bow Street, under the OPA. Several senior figures in the Bloomsbury set; of these witnesses Virginia and Leonard Woolf, E. M. Forster and V. Sackville-West are probably the best-known today; were called to give evidence that the book had literary merit and therefore did not deserve to be classed as "obscene." All this was to no avail. Biron, of similar age and political persuasions to Joynson-Hicks, rejected the literary evidence because whether the book was artistic or not was irrelevant. The only important question was whether or not it was obscene. Biron ruled that it was and ordered it destroyed. Hall protested, shouting angrily at Biron, leading to the further humiliation for her when she was told off for contempt of court. An appeal failed. The seized copies of *The Well of Loneliness* were all destroyed. It was not republished in Britain until six years after Radclyffe Hall's death.

Those are the public facts. In the circumstances it is not, perhaps, altogether surprising that most published work of the last eighty years has been on the side of Radclyffe Hall. *Prima facie*, this is a clear case of a Puritanical zealot (or to be exact, two Puritanical zealots in Joynson-Hicks and Biron) ranging themselves against a gallant band of knights in literature, and against justice, truth, common sense and free speech. To some extent, this criticism is justified. But equally, there is a good deal on the other side. Joynson-Hicks was not quite as active in pursuing *The Well of Loneliness* as is popularly been supposed. Like a good minister, he accepted complete responsibility for the actions of his officials and evidently heartily approved of them, but did not necessarily do everything himself. Cape certainly acted with disingenuousness

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straightforwardly," the somewhat dry comment of the Civil Service record on the subject: see minute of a meeting between Mr. Harris and Sir John Anderson, 11th October 1928, NA HO 144/22547/1169/29.



and in at least one place with palpable dishonesty. And against those witnesses who were willing to declare that *The Well of Loneliness* had literary merit was ranged a figure from the literary world of far greater status and popularity than anyone the defence produced.<sup>37</sup>

A very important point to bear in mind over *The Well of Loneliness* is that initially Joynson-Hicks was not proactive in seeking it out and destroying it. In this Roy Jenkins, among many other faults as a biographer, was simply wrong when he declared that Joynson-Hicks “was very keen on motoring and on police raids to seize the works of such notorious pornographic authors as Radcliffe [sic] Hall and D. H. Lawrence.”<sup>38</sup> He had the book sent to him, provided an opinion and advised a course of action, or at least, so he claimed. In actual fact he had also backed this opinion by informing his officials that if the opinion was declined they were to prosecute, but in the first instance it was a fair comment.<sup>39</sup>

Joynson-Hicks in his later writings consistently denied that he had ever discriminated against *The Well of Loneliness* because of its political undertones. M. A. Whittle, for one, was not convinced. As he correctly pointed out, there was never any restriction on the sale of a satirical book on lesbianism by Compton Mackenzie, *Extraordinary Women*.<sup>40</sup> It may be this that had prompted Whittle, earlier in his dissertation, to brand Joynson-Hicks’s intervention in the case “illegal.”<sup>41</sup> But the fact of the matter was that Joynson-Hicks was unable to move against *Extraordinary Women* whether he had wanted to or not. Nobody had submitted that to him for opinion. No organisation had launched a private prosecution. This may not have been for the reason that one of the

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<sup>37</sup> C. H. Rolph admitted *The Well of Loneliness*’s flaws as a work of literature by asking, rhetorically, if it had any readers at the time he was writing in 1968, a bare forty years after the trial: see Rolph in Brittain p. 20

<sup>38</sup> Roy Jenkins, *Baldwin* (London 1987) p. 179 (biographical note on Joynson-Hicks)

<sup>39</sup> Brentford p. 14; see also note on DPP’s office to Home Secretary, 21st August 29, NA HO 144/22547/527705/3

<sup>40</sup> Whittle p24: cf. Adam Parkes, “Lesbianism, History and Censorship: *The Well of Loneliness* and the suppressed randiness of Virginia Woolf’s *Orlando*,” *Twentieth Century Literature* 40:4 (winter 1994) pp. 434-460, p. 434

<sup>41</sup> In the abstract. See Martin Whittle, “The Banning of *The Well of Loneliness*: a study of censorship in action and contemporary attitudes to the case,” MLib thesis UCW Aberystwyth (1990) page iv: “The case progressed from an outrageous denunciation by a journalist through illegal political interference by the Home Secretary...”

correspondents to the Home Office on the subject gave (“fortunately that is so dull that I don’t think many people will read it”).<sup>42</sup> But certainly Joynson-Hicks had far less room to manoeuvre in practically any case than in this one, where the publishers had gifted him the chance to act. The Home Secretary could not act routinely: only in very specific cases where he had been given the tools to do so. As Joynson-Hicks bluntly reminded his critics, “I did not go out into the highways and byways looking for books which I could destroy.”<sup>43</sup> In 1946 the law was changed, to ensure that all new books were routinely sent to the Home Office for clearance under the OPA.<sup>44</sup> However, in the 1920s the entire system was still left as it had been in the 1860s: creaky and inconsistent, and therefore flawed and unfair.

This ambiguity was at the core of the decision by Customs not to prosecute Cape under the Customs Consolidation Act. Sir Charles Floud, the Head of Customs, was sufficiently alarmed by the issues raised to write to his political overseer, the Chancellor of the Exchequer. Floud lamented:

“It is our duty under Section 42 of the Customs Consolidation Act 1876 to prevent the importation of indecent or obscene books under the Obscene Publications Act or otherwise...[but I am] in considerable doubt whether the book can be regarded as indecent or obscene. The subject is treated seriously and sincerely, with restraint in expression and great literary skill and delicacy...if the subject can permissibly be treated at all in a novel, it is difficult to see how it could be treated with more restraint. If on the other hand the subject is to be regarded as inadmissible, it will be difficult to know where to stop, and questions will at once arise whether similar action must not be taken against other books, particularly Mr. Compton Mackenzie’s “Extraordinary Women.”<sup>45</sup>

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<sup>42</sup> Letter from Amy? Strachey to Dr. Norris, 3rd October 1928 (“personal”) NA HO 144/22547/527705/11.

<sup>43</sup> Viscount Brentford, p. 15

<sup>44</sup> Rolph in Britain, p. 24

<sup>45</sup> Typewritten flimsy copy of a letter from Sir Charles Floud to Winston Churchill 9th October 1928, NA CUST 49/1057



Floud's dilemma was indeed an unenviable one. He did not wish himself to prosecute the book under a law where, let it not be forgotten, the burden of proof would be upon him, but at the same time he had the full weight of the Home Office, the Director of Public Prosecutions and the Lord Chancellor ranged against him. His situation was further complicated by the fact that he was unhappy with Cape's actions in sending the printing moulds to Paris, which was plainly a breach of Cape's promise to withdraw the book if asked to do so.<sup>46</sup> Winston Churchill was equally doubtful, asking "Who put them [the orders banning the book] into operation? On what grounds have they decided that this book is an obscene and indecent publication?"<sup>47</sup> Clearly Churchill was no more convinced than Floud of the case for suppression – which was a potential headache for the Home Office, as it virtually ruled out a prosecution under the Customs Consolidation Act.

In the circumstances, Cape's actions worked against him. In withdrawing the book, he had accepted the Home Secretary's judgement. By endeavouring to republish it in another country, he had stirred up a hornet's nest. Floud was offered a lifeline by the Home Office. Enraged at Cape's duplicity, Sir John Anderson decided to prosecute him directly, absolving both Floud and Churchill of any responsibility and relieving them of a burden that they most certainly did not want.

One can only speculate on what might have happened had Cape not behaved in so reckless a fashion by agreeing to abide by Joynson-Hicks' verdict. *The Well of Loneliness* might never even have been brought to court. Two days after Floud's letter the Chancellor of the Exchequer's own views were set out in the minutes of a meeting on the subject:

"The Chancellor of the Exchequer had considered the matter and is strongly of [the] opinion the Customs should not be put into the position of having to defend their action in court: and therefore procedure under the Customs Consolidation Act is ruled out."<sup>48</sup>

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<sup>46</sup> *ibid.*

<sup>47</sup> Minute by Churchill to Floud, 8th October 1928, in *ibid.*

<sup>48</sup> Minutes of a meeting on 11th October 1928, NA HO 144/22547/527705/20

In the ordinary case, the Home Office would have given up at this point. The whole purpose of the 1876 Act was to provide a simple mechanism for applying the OPA to imported material. Otherwise enforcement was a difficult process, involving entrapment, always a controversial move at the best of times. But Anderson and the Director of Public Prosecutions (Archibald Bodkin) appear to have been so furious at the way Cape had behaved that they felt it was a course worth taking.

The lengths to which the Home Office now went in order to enforce their earlier decision are quite astonishing. The first decision made by Anderson and Bodkin was that they would need to have grounds for a prosecution under the OPA. The memorandum detailing how they intended to get this is worth quoting at some length.

“This [gathering evidence] will necessitate arranging with the GPO that the parcels should be delivered to Cape at his premises at a time when a Search Warrant under the Act of 1857 has been issued by the Magistrate for execution...

“A number of letters...have been intercepted ordering copies of the book and in some instances enclosing cheques, These should go back at once to the Post Office to be sealed up and posted, first taking from a selection of the letters the names and addresses of the persons in England who have ordered the book – say five or six or more cases...”<sup>49</sup>

“Hill [the consignee] when the parcel from Dover has reached him should be informed...that if he publishes [sic: sells] any copies of it, proceedings will be taken against him. He will not unlikely adopt the attitude that the book is not indecent, whereupon he can be asked to sell a copy to the officer.

[Added in ink] “The Attorney General to be consulted. No proceedings at present in respect of “Extraordinary Women.”<sup>50</sup>

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<sup>49</sup> These were to be watched for the arrival of the books, but this is dealt with at such unnecessary length I have omitted the remainder of the paragraph, which contains little of direct interest.

<sup>50</sup> Minutes of a meeting on 11th October 1928, NA HO 144/22547/527705/20



The interception of private mail, the sending of incriminating material at pre-arranged moments, the trapping of witnesses into either accepting a legal ruling or being forced to break it: these are all classic techniques in successful counter-terrorist or counter-espionage operations. Yet in this case the material in question was a romantic novel of “restraint...literary skill and delicacy,” which was such a marginal case under the law that the man who would ordinarily have enforced the regulations which it was considered to run foul of refused to do so.

When *The Well of Loneliness* was put on trial for obscenity an especial criticism (apart from the bias of the magistrate, which fed a far more legitimate sense of grievance) was the way in which all expert witnesses on the literary merits of the book were barred from giving evidence. Whittle, in his dissertation on the subject, was particularly stern, saying that this was one of the most obvious aspects of bias in the trial:

“Biron permitted the personal opinion of a police officer as valid testimony for the prosecution, but disallowed the personal opinions of about 40 witnesses for the defence. The latter included a number of prominent medical, religious and legal authorities, but was made up mostly of literary figures.”<sup>51</sup>

These figures had been approached by the defence and asked to give evidence for *The Well of Loneliness*, rather than coming forward independently. An exception was George Bernard Shaw, who was openly sympathetic to *The Well of Loneliness* but declined to give evidence “on the grounds that he was immoral himself.”<sup>52</sup>

The criticism that the personal opinion of a police officer was allowed in evidence while the personal evidence of these influential and important intellectuals; and the list of scientists included Julian Huxley, who was not only a scientist but from a family of writers that included Aldous Huxley and

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<sup>51</sup> Whittle p. 16

<sup>52</sup> Brittain p. 90

Matthew Arnold;<sup>53</sup> is one so widely repeated that it is often tacitly assumed that had their evidence been allowed, as the evidence of similar witnesses was to be at the trial of *Lady Chatterley's Lover* in 1960, the trial would have ended very differently. No matter how bigoted and incompetent the magistrate, no matter how furious and determined the Government, the implication is that had the Woolfs, Forster, Huxley, Sackville-West and others taken the stand, popular opinion would have openly revolted (which with minor exceptions it had not done up to this point) the government would have been forced to back down, and *The Well of Loneliness* would have been vindicated.

There are, however, two problems with this argument. First, although forty witnesses offered to appear if called, it is not clear how willing they were. Virginia Woolf in particular disliked Radclyffe Hall and the concept of the "mannish" lesbian that Stephen represents in *The Well of Loneliness*, and although she offered to appear, she was relieved at being spared giving evidence. Forster seems to have viewed the case less as one about a book of literary merit than about free speech more generally.<sup>54</sup> It has to be asked how well they would have fared on the witness stand under the remorseless pressure that would doubtless have been brought to bear on them; not forgetting that the Counsel for the defence, Norman Birkett, himself cracked under the strain and tried to find a more defensible argument than one of literary merit, a clumsy reversal that did not help his case.<sup>55</sup> Many more potential witnesses simply refused to give evidence, either out of personal antipathy to Hall, or out of fear for their reputations, or because they thought little of *The Well of Loneliness* as a book. Years later, H. F. Rubinstein, the solicitor for Cape, wrote to Vera Brittain saying that "the number of prospective witnesses we approached who declined to give evidence was greatly in excess of those who consented...they were not going to risk their reputations by showing sympathy with an unpopular cause."<sup>56</sup>

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<sup>53</sup> For this biographical information, see both Aldous Huxley, *Brave New World* (Flamingo Modern Classic Edition London 1994) page xi and Brenda Maddox, *The Married Man: A Life of D. H. Lawrence* (London 1994) e. g. p. 453

<sup>54</sup> See Parkes, "Lesbianism, History and Censorship," pp. 435-436.

<sup>55</sup> Under pressure from the publishers, who were getting desperate, Birkett eventually tried to argue that the relationship described in *The Well of Loneliness* was purely platonic, which infuriated Hall and was not believed by anyone, least of all Biron. See Brittain p. 92-3, Parkes p. 440.

<sup>56</sup> Quoted in Brittain p. 91.



Anthony Hope was one of them. John Galsworthy, the chairman of P.E.N. (Poets, Playwrights, Essayists, Editors and Novelists) winner of a Nobel prize, and one of the great literary giants of the early twentieth century, rejected the request to give evidence both forcefully and rudely, if Rubinstein and Brittain are to be believed; and given Galsworthy's iconic status among writers, and the his fame and prestige among the public at large, his refusal must have been a bitter blow to the defence.<sup>57</sup>

However, the second reason is more intriguing. The expert witnesses were not, in fact, confined to one side. One major literary figure had been so incensed by *The Well of Loneliness* that he was willing to break the personal rule of a lifetime not to comment on contemporary literature publicly in order to give evidence *against* it. He was also, although this was not realised until letters between the two of them came to light comparatively recently, one of the primary forces stirring Joynson-Hicks into action over imported obscene literature. And he was so famous, so popular, and so skilled a journalist and publicist (albeit one rather out of practice) that it is possible *The Well of Loneliness* would have been fatally damaged by his evidence. That man was Rudyard Kipling.

Kipling has been described in many ways. One of the most apt is a throwaway reference to him by Robert Blake, who called him "the strange uneasy genius who acted as both herald and Cassandra to the age of Britain's imperial grandeur."<sup>58</sup> He was considered by many to be the unofficial Poet Laureate – a post that he would have refused – he had been the first British writer to be awarded a Nobel Prize (by 1928, Nobel prizes had also been awarded to Galsworthy and Shaw) he was hugely popular with the public, and, despite increasing ill-health that had diminished his output, there was still no doubting his talent and position. It was largely kept secret that he was willing to be called as a witness. According to a letter in the National Archives, it came as a surprise to his biographers.<sup>59</sup> It evidently was unknown to the writer of his

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<sup>57</sup> Ibid. p. 90

<sup>58</sup> Robert Blake, *The Conservative Party from Peel to Major* (London 1997) p. 217

<sup>59</sup> See C. Carrington to Burnley, 4th May 1955: "Many thanks for your letter about Rudyard Kipling and *The Well of Loneliness*. I knew he disliked the book

entry in the modern Dictionary of National Biography, who writes of Kipling's reclusive nature:

“A more agreeable side of this stand-offishness was Kipling's resolve never to criticize or to comment in print on the work of his fellow authors, a resolve strictly maintained throughout his life, despite the fact that his private comments and indirect published remarks show him to have been an extremely shrewd judge.”<sup>60</sup>

Diana Souhami was equally fooled. Although she knew that Kipling was willing to testify against *The Well of Loneliness* at the appeal, she obviously had no idea where the initiative came from: she speaks of Kipling being “solicited by the Home Secretary,” and although she did dig down deep enough to find out that Kipling was (in her view) homophobic, she obviously never knew why he had such a particularly violent dislike for imported books on lesbianism.<sup>61</sup>

The reason was, in fact, that he had received an imported book on the subject of lesbianism, addressed to his daughter. Kipling wrote to Joynson-Hicks immediately, bitterly complaining, describing the trade from the continent as “pretty damnable:”

“What I object to, and what you ought to get evidence about, is its being sent to unmarried women. That gives the whole game away.”<sup>62</sup>

Public opinion and much more importantly, any magistrate, was far more likely to have been swayed by Kipling than it was by the Woolfs, Forster, or Huxley,

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but I'm surprised that he was even willing to give evidence if called.” NA HO 144/22547/527705/64

<sup>60</sup> Thomas Pinney, ‘Kipling, (Joseph) Rudyard (1865–1936)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com/view/article/34334, accessed 19 April 2006]

<sup>61</sup> Souhami pp. 215-6

<sup>62</sup> Letter to Joynson-Hicks in Brentford papers, quoted in Jonathon Hopkins, “Paradoxes personified: Sir William Joynson-Hicks, Viscount Brentford and the conflict between change and stability in Britain in the 1920s,” University of Westminster MPhil thesis (1996) p. 100 (the underline is original)



whatever later writers may have thought, especially as some of the defence witnesses were reluctant, and some of them were clearly confused and ill-briefed (apparently the Woolfs, not realising that Hall herself was not on trial, offered to put up bail).<sup>63</sup> The book's only realistic defence might have failed on this basis even if it had been allowed in the first place.

Asking, say, Biron, Joynson-Hicks or even Kipling to understand a book asking for sympathy for lesbians was asking rather a lot. But it should not be forgotten that they were far from alone in their attitudes. Kipling was not the only one who felt that lesbianism was a suggestive disease that could be "implanted" in young woman. Amy Strachey of Guildford felt the same way. In a letter to one Dr. Norris, preserved in the Home Office files on the case, she wrote:

"I must say I came to the conclusion that these abnormal sex relations are so much a matter of "suggestion" that books of this kind do infinite harm, and I think it is an enormous pity that Cape should have, as he obviously has, sent the pages to France for circulation in a way which our Medical Authorities cannot touch...I do think it was an enormous pity that the book should have been suppressed in consequence of the *Sunday Express*' hysterical article. The case for its non-circulation is much stronger than it would appear from this circumstance."<sup>64</sup>

A possible fit with the profile of this correspondent is that of Henrietta Mary Amy Strachey, the widow of John St. Loe Strachey, for many years before and during the First World War editor of *The Spectator*, and mother of Evelyn John St. Loe Strachey, a socialist Labour politician and Cabinet minister in the Attlee government. However, there is no direct proof of this.<sup>65</sup> Whoever she was, she

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<sup>63</sup> Brittain p. 90. This was a confusion shared by Diana Souhami, who referred to "The Trial of Radclyffe Hall" (title of part 6)

<sup>64</sup> Amy Strachey to Dr. Norris, 3rd October 1928 (marked "personal") NA HO 144/22547/527705/11

<sup>65</sup> See the twin entries of these J. St. L. Strachey's in the DNB: A. J. A. Morris, 'Strachey, John St Loe (1860–1927)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004

was, despite the nature of her ideas on sexuality, clearly no knee-jerk puritan or driven by horror at the desire of *The Well of Loneliness* to gain understanding and toleration for lesbians. She was involved, according to her letter, in “preventive health measures,” had read the book before forming her opinion, and objected to *Extraordinary Women* on the same grounds, although she doubted if it would be as widely read.<sup>66</sup> Moreover, her comments about “hysterical articles,” (a scathing but fully justified swipe at Douglas) suggests that her sympathies did not lie altogether with the forces of reaction.

The widespread nature of the opposition to *The Well of Loneliness* can be seen from these examples. In fact, there was much less sympathy for Hall her defenders at the time and since have liked to claim. Even the *New Statesman*, generally a diehard anti-establishment paper, waded into the fray against Hall, declaring that,

“if blame there be...[it rests] rather with the authoress and the present state of the law than upon the magistrate, who only decided as any other magistrate or judge in the kingdom must have decided in the circumstances. Sir Chartres Biron was certainly right to exclude evidence as to the literary merit of the book, since that had nothing whatever to do with the question...The question is whether the law can be usefully and effectively amended. It might be abolished altogether, and everyone allowed to publish what they please; but short of that, we fancy it will be found very difficult to frame a legal definition of obscenity which will give the public what it wants and exclude what it does not want. For our part, we should favour the tolerance of almost anything and everything short of the purely and obviously ‘dirty’, but if there is to be a censorship at all that goes further than this, then we do not see how *The Well of Loneliness* could reasonably hope to escape it...people who desire

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[<http://www.oxforddnb.com/view/article/36340>, accessed 19 April 2006] and Michael Newman, ‘Strachey, (Evelyn) John St Loe (1901–1963)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004

[<http://www.oxforddnb.com/view/article/36337>, accessed 19 April 2006]

<sup>66</sup> Strachey to Norris, op. cit. (quoted above)



tolerance for pathological abnormalities certainly should not write about them.”<sup>67</sup>

Although this may be sound advice, it must have been rather depressing to those who assumed that public opinion would be against Joynson-Hicks and the Home Office. The Labour party, indeed, mounted a fearsome campaign against Joynson-Hicks at all levels, something that led Radclyffe Hall (herself a lifelong Conservative who later flirted with Fascism) into a brief enthusiasm for Socialism, that came to an end with the abject collapse of MacDonald’s government in 1931.<sup>68</sup> But even so partisan an observer as M. A. Whittle admits that this probably had more to do with political opportunism than any point of principle.<sup>69</sup>

The unusual thing about this case is not necessarily what Joynson-Hicks did, but the way in which it was done. He did warn Cape that “the book can be suppressed by legal proceedings,”<sup>70</sup> which was undoubtedly a threat. And certainly legal procedure was bypassed and twisted in this case.

Many people (not least Radclyffe Hall herself) expressed astonishment at the speed with which the book was read, discussed and foreclosed on by the Home Office. Michael Howard referred to the two days taken from the sending in of a copy of the book to Joynson-Hicks’s reply coming back as being much faster than expected.<sup>71</sup> Diana Souhami quotes Radclyffe Hall as saying “One’s mind reels...in a few hours my book had been read and carefully considered! Over 500 pages – large format – over 180,000 words.”<sup>72</sup> In actual fact it seems unlikely that to a set of trained lawyers a book as trite as *The Well of Loneliness* presented any difficulties in terms of speed reading, no matter how long it might seem to Radclyffe Hall. After all, Joynson-Hicks was used to writing about that amount in short order when working as solicitor for London’s transport system. More to the point, perhaps, this was not a marginal case, dependent upon a thorough and total analysis of every word. Either the toleration of lesbianism

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<sup>67</sup> *New Statesman*, 24th November 1928, quoted in Brittain p. 115

<sup>68</sup> Souhami p. 242: cf. A. N. Wilson, *After the Victorians* (London 2005) p. 271

<sup>69</sup> Whittle p. 34

<sup>70</sup> Joynson-Hicks to Messrs. Jonathan Cape Ltd. op. cit.

<sup>71</sup> Howard p. 105

<sup>72</sup> Souhami p. 180

was an acceptable subject, or it was not. If it was, there was no problem. If it was not, the merest skim-reading would suffice to show the book's topic and have it classified as obscene.

According to the opinion provided by Sir George Stephenson, he had read at least some of the book. He had grasped that it was "a plea not only for the toleration but for the recognition of sexual perversion amongst women."<sup>73</sup> Although the briefest reading of the last lines would give that one away, there is no reason to think that he had not read more of it. Much more important and certainly much more controversial is the next paragraph of his letter:

"I may state that I have informally consulted the Chief Magistrate upon this matter; he has read the book and tells me that he would have no hesitation in granting process."<sup>74</sup>

No more did he, in the event. The chief magistrate in question was Sir Chartres Biron.

To Diana Souhami and Martin Whittle this fatally prejudiced the chance of *The Well of Loneliness* for a fair hearing.<sup>75</sup> In this they were certainly correct. Biron, after his previous knowledge of the case, had clearly judged the book before the clerk of his court opened proceedings. They do not make the next logical step of asking whether it was likely to get a fair hearing anyway. It was a book on lesbianism, in a climate where homosexuality was either not talked about or openly reviled. Perhaps it should be remembered that a ban on representations of homosexuality on the stage was not lifted until 1958.<sup>76</sup> Nobody sufficiently part of the Establishment to become a judge or a magistrate was likely to either be sympathetic or to risk their reputations on this subject. They would do a Galsworthy – put clear water between themselves and the case.

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<sup>73</sup> George Stephenson to Joynson-Hicks, 21st August 1928, in NA HO 144/22547/527705/3.

<sup>74</sup> *ibid.*

<sup>75</sup> Souhami pp. 183-4: Whittle p. 16. Quite where Whittle got his information from is a mystery: he cited the wrong date for the letter, the wrong file for the case (the file was in any case still closed when he was writing) and a book (Howard) that makes no reference whatsoever to Biron's early involvement. However, he was somehow correct.

<sup>76</sup> John Johnston, *The Lord Chamberlain's Blue Pencil* (London 1990) p. 171



Joynson-Hicks was therefore able to write in his own hand, at the foot of Stephenson's letter, his conclusion, nailing his colours to the anti-*Well* mast:

"After long private conferences at the H. Of. we came to the conclusion that the book is both obscene and indecent and I wrote letter to publishers [sic] asking for its withdrawal.

If they decline proceed at once. WJH 22/8/28"<sup>77</sup>

Joynson-Hicks was, like Stephenson, clearly nervous that if the book came to trial there would be more publicity for it, the very thing they wanted to avoid. How long the "conferences" can have been must be regarded as questionable. After all, there was very little time for anything in the short space between Stephenson's report coming through and the letter to Cape going out. Yet there was little reason for Joynson-Hicks to lie – this was not a document ever intended for publication or even circulation among the Cabinet. Most likely he meant long discussions "relative to the importance of the case" which he would doubtless have felt to be comparatively small except maybe insofar as the precedent it set. Most of the evidence seems to point to his wanting it out of the way as fast as possible at this stage so he could get on with other things and minimize the embarrassment to the Home Office.

*The Well of Loneliness* never had a fair crack of the whip as far as legal process was concerned. It was damned by the press, dismissed by the politicians, disembowelled by its publisher's antics and destroyed by the order of a magistrate who was judging on preconceived facts. But it always laboured against one insuperable obstacle. The climate was wrong. It was a book that would have been accepted, even applauded, by the Establishment of the 1960s. But it was trying to gain acceptance in a world where the whip was still held by men who looked back to the 1860s. Its only real hope of escaping suppression was to escape notice. When James Douglas first came across it at a time when other news topics were scarce, that hope was gone.

For anyone who doubts that the climate of the 1920s was inimical to *The Well of Loneliness's* survival, it should be borne in mind that in 1946 the Home

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<sup>77</sup> On George Stephenson to Joynson-Hicks, op. cit.

Office, under the first Labour government with a large majority, was still passively trying to suppress it. Radclyffe Hall died in 1943, and Una Troubridge, her long-time lover and executor, attempted to publish a complete set of her works, including *The Well of Loneliness*. She offered this to Peter Davies, a publisher of high repute. Her reasoning was that by 1946 *The Well of Loneliness* had been published with no serious problems for eighteen years in most other countries, and that now Labour (who had vigorously opposed the original suppression) were in power, the ban might be lifted. It was not. The Home Office continued to veto publication of this book, something Souhami found herself almost unable to believe of “a supposedly reforming, egalitarian government.” In actual fact, on Souhami’s own admission this decision was made at least partly in order to maintain the precedent set in 1928 rather than out of specific malice towards *The Well of Loneliness*.<sup>78</sup> However, Troubridge’s choice of publisher seems to have been unfortunate as well. In a letter accepting the Home Office verdict, Davies wrote by hand (presumably so that there would be no copy in his own office) a postscript: “I am not really anxious to do the W. of L. and am rather relieved than otherwise by any lack of enthusiasm in official circles.”<sup>79</sup> Three years later, what has become Radclyffe Hall’s unwelcome claim to fame was finally republished. There was no opposition. Perhaps Britain had bigger things to worry about.

Radclyffe Hall was primarily, however you regard her politics, a rich *dilettante* who turned a modest talent for writing to account in the firm belief that she was doing something worthwhile. Whether she achieved that in writing *The Well of Loneliness* and the subsequent roar of notoriety is at best questionable. But for the other author that had a brush with Joynson-Hicks in 1928, and indeed up until he died in 1930, there had been no easy pot of money, no soft and pampered existence (although perhaps the perpetual restiveness that they both indulged in may point to some kind of link) no fundamental religious belief, and certainly no mere modest talent. In fact, David Herbert Lawrence was about as unlike Radclyffe Hall as it possible to conceive – yet his books ended up being impounded and destroyed as obscene as well in 1928 and 1929.

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<sup>78</sup> Souhami pp. 367-9

<sup>79</sup> Davies to Oscar Dowson, 29th March 1946, NA HO 144/22547/527705/102



Lawrence was, if perhaps not exactly an atheist, certainly opposed to all organised religion. He was not promiscuous, certainly not by the standards of today – in fact, he claimed he had something of a horror of promiscuity and was always enraged when he was accused of promoting it, declaring that “nothing nauseates me more than perpetual sex in and out of season.”<sup>80</sup> He was from a working-class background – one of the first major writers in Britain to rise from the masses – and always struggled with a shortage of funds.

The root of the reason why D. H. Lawrence got into continual trouble with the Home Office was his persistent belief that the law was wrong, that conventional standards of morality were wrong, and that sex needed to be brought onto a different plane. Lawrence always seemed to be somewhat confused by what he actually wanted – at times he seems to be rejecting the notion of sex as dirt, part of the excretory functions, and at other times upholding it – but he was clearly not a conformist when it came to sexual mores.<sup>81</sup> His liberal use of the word “fuck” in *Lady Chatterley’s Lover* was, according to Helen Gardner at the legendary obscenity trial in 1959, an attempt to redeem it from its everyday use as a swearword and turn it into a phrase for the sexual act. As Walter Allen noted, “this is a word on which there has always been a most powerful tabu...but it is a word all men know and most have used.”<sup>82</sup> But there is a snag in this analysis of Lawrence’s work, as Allen himself pointed out:

“Whether the word can be redeemed, in its public use, I would think doubtful. Its real value and importance lies in the fact that it is the only word we have for the performing of the act itself; everything else is periphrasis. And this suggests to me that in the interests of the language writers should be sparing of the use of the word in its secondary, swear-word sense.”

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<sup>80</sup> quoted in *ibid.* p. 361

<sup>81</sup> Brenda Maddox, *The Married Man: A Life of D. H. Lawrence* (London 1994) p. 484.

<sup>82</sup> Walter Allen, “The Writer and the Frontiers of Tolerance” in John Chandos (ed) *To Deprave and Corrupt... Original Studies in the nature and definition of obscenity* (London 1962) pp. 139-152, pp. 149-150

In other words, it could be taken that Lawrence was merely trivialising something by endless use of it. The arrogance, indeed, of assuming that he alone could change the use of such a common word is something that might be worth considering. Lawrence was perhaps being somewhat over-optimistic about the extent of his possible influence.<sup>83</sup>

Lawrence himself had always run his head against the authorities. *The Rainbow*, a book widely regarded as his masterpiece and certainly produced when he was at the height of his physical and mental powers, was banned very shortly after publication on the grounds of obscenity. It is hardly graphic, or pornographic, yet it contains descriptions of sex, post coital moments and foreplay that must certainly have seemed shocking to the Liberal Home Secretary of the time.<sup>84</sup>

During the 1920s Lawrence, who suffered from tuberculosis and died in 1930 at the age of forty-four, was no longer the force he had been. A critical reflection on much of his oeuvre in this period shows a confusion over what he was trying to achieve. To Jeffrey Meyers, this paradox was rooted in his desire for a resurrection in society based on personal relationships of men and women while society seemed to be crumbling around him, and his identification of himself as a Christ-like figure, the martyred, ignored, mistreated prophet trying to lead his people out of the wilderness, coupled with his rejection of Christianity.<sup>85</sup> Certainly all of this stampeding around inside his brain would be enough to confuse anyone, never mind someone continually distracted by his failing physical health. *Lady Chatterley's Lover* shows elements of all these difficulties. It is meant to be a serious novel, yet, as Brenda Maddox pointed out, it could hardly be funnier in its ludicrous depiction of (*inter alia*) a young woman running naked through a wood in the pouring rain to have sex with a man in the open air.<sup>86</sup>

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<sup>83</sup> Maddox pp. 446-7

<sup>84</sup> See Marianna Torgovnick, "Narrating Sexuality: *The Rainbow*," in Anne Fernihough (ed) *The Cambridge Companion to D. H. Lawrence* (Cambridge 2001) pp. 33-49

<sup>85</sup> Meyers pp. 352-3

<sup>86</sup> Maddox p. 447. Although theoretically this might be deliberate, Lawrence's pamphlet *Pornography and Obscenity* suffers from much the same unintentional ludicrousness.



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existed in the first place (although the last seems very unlikely, for reasons outlined below). The likeliest scenarios are 1) that the Home Office did not want anyone to read what it contained or 2) they did not think it was sufficiently important to preserve.

There was no major criminal trial over *Lady Chatterley* in 1928, as there was to be in 1960, and it may have seemed a minor affair of small importance compared to *The Well of Loneliness*. But the surviving evidence, while circumstantial, suggests that there was a certain amount of skulduggery going on. To take this circumstantial evidence, let us look at *Pansies*, the case discussed in more depth below. In September of 1929 the Director of Public Prosecutions wrote to the Home Office, thus:

“Messrs. Spottiswoode refer to, and take great credit for, their clients’ action in regard to *Lady Chatterley’s Lover* in August of last year. I have suitably acknowledged their action in that case.”<sup>87</sup>

This is a most interesting statement. Spottiswoode were the solicitors acting for Lawrence’s distributors in England, and were therefore very much involved in the distribution of all his books. The idea that the Home Office would have a correspondence with them on the subject of an obscene book and not have a file on the subject is a ridiculous one. Which begs the question – what, apart from evidence about the pressure exerted on the distributors, might this file have contained? But perhaps it is an academic question. C. H. Rolph, in his work *Books in the Dock*, was totally uninterested in the implications of the failure of *Lady Chatterley’s Lover* to make it past the censor, instead focusing on *The Well of Loneliness* and *Sleeveless Errand*.<sup>88</sup> The most recent writer on the subject, Christopher Hilliard, could manage only a throwaway reference that “*Lady Chatterley’s Lover* had been banned in Britain for a year [in 1929]” confirming

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<sup>87</sup> DPP to Home Office, 6th September 1929, in NA HO 144/20642/543382/6

<sup>88</sup> C. H. Rolph, *Books in the Dock* (London 1969) pp. 76-83 covers all four cases of *The Well of Loneliness*, *Sleeveless Errand*, *Pansies* and Lawrence’s paintings.



and underlining the ongoing confusion as to what exactly happened to it.<sup>89</sup> The real importance of *Lady Chatterley's Lover* lies thirty years after the scope of this study, in the momentous 1960 verdict that effectively abolished literary censorship in Britain.

The most that therefore needs to be said about *Lady Chatterley's Lover* is that it was, like *The Well of Loneliness*, in no sense a marginal case. By the standards of the 1920s it was definitely "inherently obscene" in that it contains swearing, depictions of sex, and an adulterous extra-marital affair between a gamekeeper and an aristocrat as a plot device. Lawrence knew perfectly well that *Lady Chatterley* was unpublishable in both Britain and the United States, as did his extremely perturbed publishers, Secker and Knopf, who showed a certain reluctance to touch it in consequence. Finally, Lawrence, disgusted with them, published the book privately in Florence.<sup>90</sup> It sold reasonably well through private subscription, but it was seized wherever it was found by customs authorities in Britain and the United States. Attempts to sanitize it were less than successful, and it was not until 1959 that it was finally published in Lawrence's own country.

*Lady Chatterley* is therefore at best a peripheral book to this study. So let us move on to perhaps the strangest brush over obscene publications that Lawrence had with the Home Office, which was in 1929, very late in Joynson-Hicks' tenure of the Home Office and the start of a ding-dong battle that was to dog both men for what short periods were left of their lives. It arose, not over any of Lawrence's novels, or their controversial sexual themes, but over a book of poems. *Pansies*, which Lawrence said was not a reference to flowers or homosexuals but a reference to the fact that the book consisted of "sort of poems – real *pensées*."<sup>91</sup> And it arose, officially at least, quite by accident.

Quite what happened to bring the book before the Home Office may never be wholly resolved, due to the convenient destruction of a large swathe of the file. Brenda Maddox accepted (or at least reported) the explanation given to

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<sup>89</sup> Hilliard p. 178

<sup>90</sup> *ibid.* p. 441: cf. p. 453, which says that Secker and Knopf were "unhappy at one [book] that sounded unpublishable."

<sup>91</sup> D. H. Lawrence to Harry Crosby, 2nd January 1929, in James T. Boulton et. al. (eds) *The Letters of D. H. Lawrence Volume 7: 1928-1930* (Cambridge 1993) p. 115

the House of Commons; that a random check of post from the Continent to see if there was any indecent or contraband matter in it had turned up three copies of *Pansies*, which had then been impounded.<sup>92</sup> However, a contemporary magazine report suggests that in fact the letters had been opened to check that they were paying the correct rate of postage and duty for the items they contained. It went on to suggest, mischievously, that next time the envelopes should be sealed to stop this happening.<sup>93</sup> This seems to have been a source of considerable confusion all round. The solicitors of the sending agent (who was not Lawrence) protested to this magazine that as the manuscripts were in a sealed and registered envelope, this seizure could not have been an accident. They came to the conclusion that “Mr. Lawrence’s correspondence was on this, as on other, occasion [sic] deliberately opened and searched.”<sup>94</sup>

Certainly this would be plausible. Lawrence was a known offender against the Obscene Publications Act, and *The Well’s* treatment demonstrated just what lengths the Home Office and (to a lesser extent) Customs were willing to go in order to maintain their blockade of anything that might transgress it. However, according to the best evidence still available in the Home Office files, this allegation was inaccurate. There are two handwritten notes on the backing page to these cuttings. One is by S. W. H. (presumably S. W. Harris) who commented, laconically, “This is unfortunate if true” (his underlining). The fact that he considered it “unfortunate” (by implication, embarrassing) rather than “catastrophic” (as in, would torpedo a prosecution should one be instituted) is perhaps revealing. He obviously did not think it likely that anyone would try to seriously challenge the censoring of the books. But another note put these fears to rest: “Newsam has already spoken to the GPO. It was an open registered packet, and GPO action was proper and normal.”<sup>95</sup> Given that this would largely explain the situation, and the fact that this was purely an internal scrawl on a minor bit of paper and not an official minute or court document, it is not likely to be a lie to cover the tracks of officials. And it would explain the confusion

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<sup>92</sup> *ibid.* p. 476

<sup>93</sup> Cutting from *Truth*, 6th March 1929, in NA HO 144/20642/543382/5 (it actually suggested that Lawrence should refrain from using the “open book post”).

<sup>94</sup> Letter to *Truth* in *ibid.*

<sup>95</sup> *Ibid.*



over whether the packet was registered and sealed or not – in that it was registered, but that is not the same as sealed.

*Pansies* was a very different case from *The Well*. *The Well* was a long book on a subject deemed to be banned. *Pansies* was a book of short poems, that could in fact be very easily edited in order to have no trouble at all with the law. It was obscene, not in the sexual sense (Ronald Blythe once again demonstrated a lack of knowledge of his subject when he referred to them “a packet of erotic poems D. H. Lawrence had rashly put in the post unsealed”)<sup>96</sup> but because of its crudity of language and description of the “excretory function” (as Lawrence called it).<sup>97</sup> In his legal opinion of the unexpurgated book, Sir Archibald Bodkin wrote:

““Pansies” is a very mixed production, and so far as I have read it there are eleven so-called poems only, to which exception could be taken, and they are of the nauseous and disgusting kind rather than of the corrupting and immoral kind. This book has recently been extolled in a review, and if it be correct that the present edition was for private circulation to subscribers then the case stands differently from a book which is in on every bookstall...Probably by this time a good many subscribers have had their copies, and much good may they do them!”<sup>98</sup>

Bodkin had clearly learned from the *Well of Loneliness* fiasco. He warned that he doubted whether a magistrate would be willing to prosecute *Pansies* even in unexpurgated form while it was being sent only to private subscribers, and there was certainly no doubt that applying for a warrant with all the due processes of law would lead simply to more publicity for it. He concluded that it would simply be better to keep a careful lookout for any books going through the post and confiscate them as they arose.<sup>99</sup> This must have come as a relief to Customs,

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<sup>96</sup> Blythe p. 34. This might equally be a mere lazy assumption that Lawrence wrote only “erotic” literature, an assumption that would have annoyed Lawrence greatly.

<sup>97</sup> Lawrence, *Pornography and Obscenity*, p. 11

<sup>98</sup> DPP to Home Office, 6th September 1929 op. cit.

<sup>99</sup> *ibid.*

who as before displayed a more relaxed approach than the Home Office. One of them wrote to Bicknell to say "I have seen the Martin Secker book from which these eleven pieces have been ommitted [sic] and the book appears to be unobjectionable."<sup>100</sup>

According to Brenda Maddox "Lawrence was furious and frightened; he realised that he might risk arrest if he ever returned to England...Persecution bred paranoia."<sup>101</sup> Although the last three words were in the context of Lawrence's growing distrust in everyone around him, they might more logically have been applied to his belief that he "risked arrest." The fact that books that he had written had been seized did not automatically make him a felon on the run. Neither Cape nor Hall was arrested, over the far more controversial *Well of Loneliness*. Lawrence had not been arrested over *The Rainbow*. It is perhaps symptomatic of how out of touch with reality he was becoming.

This was symbolised by two things. In 1929, after the Conservatives had been swept from office and Joynson-Hicks had retired from politics, both he and Lawrence were commissioned to write pamphlets on the subject of censorship in the United Kingdom. Brentford (as he had become) called his *Do we need a Censor?* It was a document typical of the man – lucid, cogent and cold. It is a lawyer's tract, presented before the court of public opinion (although it inevitably contained an element of self-justification) demanding a verdict in its favour without fear of defeat. It claimed (naturally) that public opinion was not in favour of the great mass of writers and performers being allowed to do what they want, as otherwise they would do intensely silly things. Indeed, it dismissed the notion of a literary censor in Britain and actually called for tighter restrictions on the distribution of films.

Brentford did, at least in part, discuss his actions over *The Well of Loneliness*, which he justified on the grounds that it had been sent to him by the publisher for an opinion. He posited the hypothetical case (the popular resort of a lawyer) of a publisher who likes a book but has misgivings about its content in light of the OPA, so sends it in to the Home Office for an opinion. Brentford declared that the Home Secretary could then do three things. He could refuse to touch the matter at all, which Brentford described as "not a very helpful attitude,

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<sup>100</sup> W. C. Colyer to Bicknell, 8th October 1929, in *ibid*.

<sup>101</sup> Maddox p. 476(-77)



and one which it would be improper for him to adopt.” He could read the book and still refuse advice, which Brentford thought would be not merely unhelpful but “positively unfair to the publisher, who would have a real and, in my view, legitimate grievance if proceedings were subsequently instituted:” or he could read it and provide a legal opinion.<sup>102</sup> There was a certain logic behind his thinking. He had been asked for his opinion and had given it. The fact that there was a major legal action behind it, ready to be launched if Cape showed signs of dissenting in any way from the given opinion was not mentioned.

Lawrence’s was utterly different. Beautifully and engagingly written, completed in ten days from start to finish, and without the least regard for logic or even for common sense, Lawrence took the fight to Brentford in fantastically boisterous fashion. His pamphlet is written more like a great oration from Tacitus than the sober, authoritative and pompous prose that Brentford favoured. From the immortal line in the second paragraph that “if a woman hasn’t got a tiny streak of the harlot in her, she’s a dry stick as a rule,”<sup>103</sup> through his recurring use of the phrase “*Vox populi, vox Dei*,”<sup>104</sup> right up until his repeated denunciation of pornography, something he specifically defined as “that which is calculated to arouse sexual desire, or sexual excitement,” (page 6) by which he meant masturbation, as a “dirty little secret,” it reads not only like a comedy script, but as though it was written by a man who was slightly drunk at the time. This was probably a function of Lawrence’s disgust, as well as his illness. His total contempt for his enemies shines out of every page, and his determination to treat them as amusing was almost certainly merely a device for belittling them.

Lawrence, beneath the veneer of hilarity, had a serious point to make. It was that art, intended to inform and provoke thought, can be thought of differently and therefore treated differently from pornography (intended to provoke masturbation) even when it may appear that they are nearly identical in their depictions of (for example) the sexual act or (in the case of visual art) female nudes. It is a tenable point and one that is applied, with varying degrees of consistency, today. But Brenda Maddox, author of a major biography of D. H.

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<sup>102</sup> *Do we need a censor?* pp. 13-14

<sup>103</sup> D. H. Lawrence, *Pornography and Obscenity* (London 1930, Michigan City Indiana 1958) p. 1

<sup>104</sup> “The voice of the people is the voice of God.” See e.g. *ibid.* p. 2 for repeated use of it.

Lawrence, took a somewhat sceptical view of this essay. Her reason for this was its propensity to be “wildly illogical.”<sup>105</sup> Lawrence may have put his case for liberating the artist from the burden of the censor, but he got very confused later on about why they were doing it. On page eleven he asserted that the Puritans (by which, he strongly suggested on page eight, he meant Brentford) had become confused between the “sex functions” and the “excrementory functions” and were trying to suppress both at the same time because they thought that one must be, to some extent, the other. Lawrence dismissed this. He described the sex impulse as “creative” and excretion as a “flow towards dissolution.” But given that *Lady Chatterley’s Lover* contains an anal sex scene (albeit one disguised and muted) one wonders whether he might not have got carried away here and tied himself up in a knot through not considering the implications of what he was saying. Anal sex is in no way creative. And what could be more likely than that a reference to it, even an obscure one, could lead Brentford to say that he was right all along and that sex was pure dirt?

James Douglas, in another of his editorials in the *Daily Express*, took on Lawrence’s pamphlet in his usual forthright terms:

“Mr. D. H. Lawrence in a mad pamphlet...provides a clue to the disordered state of his mind. This takes the form of a belief that we are all mad, and that he alone is sane...Society has put Mr. Lawrence in a padded cell, and his struggles are a matter for compassion rather than derision.

This [*Pornography and Obscenity*] is not a parody. It is an extract from the hallucinations of the blue one who imagines that we are the grey ones. When I read Lord Brentford’s grave defence against the blue ones, I see the fun and the folly of taking to heavy dialectic in the realm of pathology. Let us laugh at the blue ones and pity them too.”<sup>106</sup>

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<sup>105</sup> Maddox p. 484

<sup>106</sup> Douglas, “Disinfecting a Pamphlet,” *Daily Express* 14th November 1929, cutting in NA HO 144/14042/544688/2



Douglas displayed as before the talent for saying that something should not be done and then going on to do it anyway. But he had a point. It is quite difficult to take *Pornography and Obscenity* altogether seriously. Its confusion, its presumptuousness, its repetition and above all its lightness of tone suggest that the author never meant it to be a work for serious study. S. W. Harris' light-hearted comment "It is interesting to note that D. H. Lawrence "detests indecency and desires to suppress it." We have done something to satisfy his desire,"<sup>107</sup> somehow summed up his problem. Lawrence lacked gravitas, therefore he could be ignored. John Anderson was harsher, saying bluntly of the essay, "It is good of D. H. Lawrence to show what a poisonous character he is. We need not deprecate his self revelation."<sup>108</sup> Lawrence was, as ever, popular with the public – his pamphlet sold at the rate of 1200 copies a week – but this kind of performance meant that he was ignored by the only people ever likely to do something about his demands.<sup>109</sup> A talented writer, even in decline, Lawrence certainly was; but a diplomat and politician he most certainly was not.

It is clear that Brentford and Lawrence were natural rivals. But Lawrence could not keep his head out of trouble even after Brentford had been replaced by MacDonald's own deputy leader, J. R. Clynes. This was absolutely nothing to do with his writings. In fact, it arose out of a series of paintings that Lawrence had done.

Lawrence was not one of nature's great painters, painting solely for the enjoyment he derived from it. He took up painting as an escape from writing, as *Lady Chatterley's Lover* stagnated and his health deteriorated. However, despite the badness of his paintings (and he himself had no very high opinion of their own worth as artistic endeavours) his wife and many of his ardent admirers took to them. Finally, in 1929, he was persuaded to exhibit them in London (previously, he had hung them on the walls of his home). Out of a choice of four venues, he chose Dorothy Warren's gallery.<sup>110</sup>

The problem lay in the subject of the paintings. There were twenty-five sent to Warren for exhibiting, as well as a book of reproductions that was

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<sup>107</sup> Note on an article by E. M. F(orster?) dated 14th January 1930 in NA HO 144/14042/544688/10

<sup>108</sup> Note dated 20th November 1929, in NA HO 144/14042/544688/5

<sup>109</sup> Figure from Maddox pp. 484-5

<sup>110</sup> Maddox pp. 421-425, 455

available for sale at the gallery. Thirteen of them portrayed nudes. It was absolutely inevitable that they would come to the attention of the local authorities, in this case the local (Labour) MP, H. B. Morgan, who wrote furiously to the Home Secretary:

“I am not a prude at all...[but] in my opinion the paintings have no redeeming feature. They are just sheer pornography. No artistic touch, no softening refinement, no true portrayal – but just natural untempered vulgarity.”<sup>111</sup>

As a result of this and other complaints, the Warren gallery was raided and the thirteen offending paintings seized, along with the book of reproductions (seized under the 1857 OPA). They found a symbolic value, despite their shortcomings as art. A furious correspondent to Clynes begged him to intercede, on the grounds that,

“the Labour government...represents as well as the mass, the intelligentsia of the nation, will not allow such a state of affairs to continue, and will finally dispell [sic] the final vestiges of Victorian prudery and oppression [sic] from England. Your intercession is awaited by artists and writers all over the world.”<sup>112</sup>

Alas for this correspondent, the Home Secretary, who was being prodded with equal vigour by the other side (including Dr. Morgan, who seemed to hold no particular brief for the intelligentsia) did nothing.<sup>113</sup>

Lawrence was understandably beside himself with anxiety. His letters reflect a deep paranoia at the way he had been treated, and a deep fear that his beloved paintings might be burned. But he was fortunate. After a court case, they were found to be obscene, but were returned to Lawrence on condition that

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<sup>111</sup> Dr. H. B. Morgan M.P. to J. R. Clynes, 27th June 1929, in NA HO 45/24788/442565/45

<sup>112</sup> Theodor Goodman to Clynes, 6th July 1929, NA HO 45/24788/442565/46

<sup>113</sup> See both the letter from Morgan and a further letter, from Mr. H. Bone to the Home Secretary, 4th August 1929, denouncing the paintings as obscene, NA HO 45/24788/442565/48



they were never again displayed in Britain.<sup>114</sup> Lawrence immediately told Dorothy Warren, who wanted to fight on and prove that the paintings were not obscene, that she should accept this:

“I think it’s a mistake to want to go to the High Court – what to do? prove that the pictures are not obscene? but they are not, so how prove it? And if they go against you there – then more is lost than will be got back in years. No, no, I want you to accept the compromise. I do not want my pictures to be burned, under any circumstances or for any cause. The law, of course, must be altered – it is blatantly obvious. Why burn my pictures to prove it? There is something sacred to me about my pictures, and I will not have them burnt, for all the liberty of England...No more crucifixions, no more martyrdoms...as long as my time lasts, if I can prevent it...I want you to get my pictures back. If you have to promise never to show them again in England, I do not care.”<sup>115</sup>

There is an element of exhaustion and defeat in the tone of this letter. Although Lawrence still felt the law to be iniquitous, he no longer wished to fight it. Admittedly, burning copies of a book would not deprive him of it altogether, while burning the canvases would have left him with nothing, but it might equally be a sign of decline, and unwillingness to fight on. Six months later, Lawrence was dead. His paintings, having no real merit other than their creator, were never displayed in Britain again.

It is easy to overplay the changes that the 1920s wrought in the literary landscape. It was the era of Marie Stopes’ *Married Love*, James Joyce’s *Ulysses*, Radclyffe Hall’s *The Well of Loneliness*, Aldous Huxley’s *Point Counter Point*, E. M. Forster’s *A Passage to India*, and D. H. Lawrence’s *Lady Chatterley’s Lover*, to name a handful of the major works trying to push back new boundaries, aesthetically, stylistically and morally. Yet they were all comfortably outsold, even when added together, by Agatha Christie. Christie’s

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<sup>114</sup> *The Letters of D. H. Lawrence* op. cit. pp. 7-8

<sup>115</sup> Lawrence to Dorothy Warren, 14th July 1929, in *ibid.* no. 5200 pp. 369-70

most famous, popular and enduring character, the shrewd old lady Miss (Jane) Marple, first appeared in 1927, just before *The Well of Loneliness*.<sup>116</sup> And while Miss Marple's nephew Raymond might write very "modern" books, Miss Marple herself is almost a caricature of an Establishment figure – the fussy, gossipy, elderly spinster interested only in the village church and other peoples' lapses. To the success of this titan of popular fiction must be added that of Buchan, Kipling, Sayers (for all her complicated private life, she was hardly a groundbreaking author in terms of taste or style) and the young W. E. Johns. The changes in literature were real – but they were not universal or even especially widespread.

The peculiarity of the Home Office's dealings with literature in the period between 1924 and 1929 is clear. Joynson-Hicks, aided and abetted by the DPP and Sir John Anderson, perhaps did not exactly crusade against what he thought of as immoral books, but he certainly attacked them with every weapon he was endowed with or handed. However, although both Whittle and Souhami talk of "illegal" behaviour, this is unjustified. What the Home Office did was always just about legal, even when, with a complete disregard for the ethics of the situation, they showed a book that might be at the centre of a trial to the magistrate who would have to conduct it. The law was twisted, pushed, strained and stretched, but never quite broken. Moreover, as Hilliard noted in a more recent work, such cases as did occur did not depend on Cabinet action (although he qualified it by saying "entirely depend"). *Sleeveless Errand* and Lawrence's paintings both fell foul of complaints from members of the public – but they were supported by a system which Joynson-Hicks nurtured and encouraged.<sup>117</sup>

Myth has come to obscure reality. The blaze of publicity in which *The Well of Loneliness* was censored obscured the fact that it was one of only two books actively suppressed by the Home Office on the watch of Joynson-Hicks (the other being *Sleeveless Errand*). That is not such a bad record, especially given his length of tenure. *Lady Chatterley's Lover* and *Pansies*, it is true, were not allowed to be published or distributed. But that held good until 1959, many

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<sup>116</sup> Miss Marple first appeared in the short story "The Tuesday Night Club" in *The Royal Magazine* no. 350 (December 1927) although the series of novels which turned her into an icon began with *The Murder at the Vicarage*, published in 1930.

<sup>117</sup> Hilliard p. 175



Home Secretaries later. Similarly *Ulysses* and *The Rainbow* were both kept out of circulation for a long time, on the strength of decisions taken by previous Home Secretaries (Bridgeman and Samuel, respectively).

The real problem lay in the 1857 Act. Flawed even at its inception, it was woefully inadequate by 1924 for the needs of a new generation and culture. And it is here that Joynson-Hicks' defence comes apart. There is no doubt that a new act could have been carried. As R. A. Butler found out the hard way in 1959, the effect might have been to effectively destroy the censorship mechanism. It would certainly have had a low priority in the Parliamentary timetable. But it is hard to escape the conclusion that the real reason why fresh legislation was never proposed was so the shortcomings of the Act could be exploited whenever necessary in order to produce the "right" verdict. A tighter law, with a defence of literary or artistic merit founded upon the evidence of critics and scholars, would probably have seen the case against *The Well of Loneliness* thrown out of court no matter how unsympathetic the magistrate. But in 1929 no such defence existed. The only defence was that it would not "deprave and corrupt."

What then of public opinion, the ultimate benchmark of what law is and how law is enforced? It was claimed by both sides. Both were almost certainly wrong. Public appetite for the "new" literature was probably almost certainly lower than its defenders claimed, given the raw numbers sold. But equally, sales of *The Well of Loneliness* or viewings of Lawrence's paintings increased dramatically at the suggestion they were "obscene." As Martin Whittle pointed out, it is impossible to be sure what the silent majority actually thinks.<sup>118</sup> The likeliest answer is that the silent majority were not very exercised one way or another, whatever both sides might claim. They might wish that the Home Office were not so censorious, or that the editor of their newspaper was not so self-righteous, but equally, they were not too worried about writers who were self-important enough to be convinced they spoke for everybody in their works.

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<sup>118</sup> Whittle pp. 2-3.

## **5) A New Problem of Censorship: The film industry and the British Board of Film Censorship.**

“I feel quite hopeless about this “Film Question.”

William Joynson-Hicks.<sup>1</sup>

Both theatre and literature posed a series of problems to the censorship system, and the very concept of censorship itself, in the 1920s, controlled as they were under ancient legislation that struggled in a changing climate. Yet the newest form of mass entertainment, and by far the most popular, was not immune from control. And, ironically, at a time when it was by no means certain that the Lord Chamberlain’s office would retain its powers as censor, that new medium chose to quite deliberately ape the structure used in it for its own, literally self-imposed, system of censorship.

The medium was film. At the time Joynson-Hicks was Home Secretary it was an industry that had been established for thirty years and had made considerable artistic and technical progress from its early days. However, it was also during his tenure at the Home Office that “talkies” first appeared by means of “synchronised sound” (sound recorded separately and played in time with the film) provoking a storm of controversy and throwing both the industry and its censorship system into a state of flux – not least, because it took some time to overturn the long-held notion of the industry that nobody would be interested in a film where the actors talked.<sup>2</sup> But it had already displaced theatre as the most popular form of mass entertainment, possibly because it was cheaper and possibly also because of the novelty factor. As with all popular mediums of communication, it was brought under control.

The first public cinematographic film exhibition in the United Kingdom was held in London in 1896. Within thirteen years, it had become sufficiently popular for some form of control to be introduced. In 1909, the then Home Secretary introduced a licensing system under the control of local authorities –

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<sup>1</sup> In a minute of 15th June 1927, NA HO 45/24084/450065/66

<sup>2</sup> See Alexander Walker, *The Shattered Silents: How the Talkies Came to Stay* (London 1978) chapter 1, especially pp. 1-6.



ostensibly in the interests of public safety, as the legislation was drafted in such a way as to emphasise fire precautions. There are varying interpretations of the underlying motives for this legislation. Both James Robertson and Annette Kuhn saw the legislation as a deliberate attempt to regulate the content of films, using fire precautions as an excuse – Kuhn in particular cast doubt upon the motives of Herbert Gladstone, pointing out that there had in fact been no serious cinema fires in Britain, contrary to the repeated claims of his junior minister, Herbert Samuel.<sup>3</sup> While Robertson acknowledged that Samuel may have been referring to France, where there had been a serious fire in 1897 that had cost 140 lives, and that there had indeed been cinema fires in Britain, he also clearly believed that this was introduced as an instrument of censorship and not of safety.<sup>4</sup> However, it should be noted that Neville March Hunnings, a legal historian, suggested that while the danger was exaggerated and by 1909 had been virtually eliminated by better precautions, the fear remained, and was a genuine factor in the new bill.<sup>5</sup> In fact, if the 1909 bill was genuinely intended to bring in a system of censorship, it did it in the most peculiar and incompetent way imaginable. The implementation of the precautions, which took the form of a granting of a license to those cinemas which met the local authority's standards (which were not strictly limited to safety) were left to local authorities and magistrates – the police had no power to enforce it, and there was no national system of reference or any sort of guidance provided. It is hard to believe that if a genuine desire for censorship had been at the heart of the bill, it would not have been better done. The result, inevitably, was confusion and inconsistency between the local authorities, which was deeply unpopular within and indeed deeply damaging to the film industry.

In any case, it was obviously not successful if censorship of content was its aim, for seven years later Samuel, by now Home Secretary himself, attempted to formalise censorship of films produced in Britain and regularise the position. However, as this was at the height of the First World War and Parliament had pressing matters on its agenda, his aim was to introduce the

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<sup>3</sup> Annette Kuhn *Cinema, Censorship and Sexuality 1909-1925* (London 1988) p. 16

<sup>4</sup> James C. Robertson, *The British Board of Film Censors: Film Censorship in Britain 1896-1950* (Beckenham 1985) pp. 2-3.

<sup>5</sup> Neville March Hunnings, *Film Censors and the Law* (London 1967) pp. 44-45

system “by administrative action” – by the voluntary relinquishing of the powers of the 1909 Act by local authorities, in other words. Unsurprisingly, this proved rather difficult. Nervous that the local authorities would refuse to give up their powers and that they would therefore be faced with dual censorship, the film producers resisted Samuel’s plans, and managed to delay them long enough for the new Home Secretary after Asquith’s fall at the end of the year to abandon the idea.<sup>6</sup>

As a result, and given the rather more pressing problems that occupied the Home Office in the period 1916-1924, Joynson-Hicks inherited a situation given shape by the act of 1909. However, this had been subtly changed by the film industry itself, who had decided to pre-empt the local authorities’ demands by setting up their own system of self-censorship. This may have been borne of a desire to try and avoid an official censorship (such as the one later proposed by Samuel). However, it also seems likely that motives of sheer self-preservation came into play – if local authorities interpreted their powers sufficiently broadly to refuse a cinematic license on grounds of content, then if the producers were not careful they might end up with no cinemas willing to show their films. In November 1912, the British Board of Film Censors was established by the film trade to answer these concerns. As President (in effect, chief censor) the trade appointed G. A. Redford, a retired bank manager and former Examiner of Plays for the Lord Chamberlain, who, as we have seen, had been made the scapegoat for that office after the difficulties they had experienced with the 1909 Select Committee on theatre censorship.<sup>7</sup> His appointment was an obvious attempt to borrow from the practices and principles established for theatre censorship to the new medium. It is ironic, however, to reflect that Redford would not have been available had the Lord Chamberlain not been living in fear of losing his powers.

One serious drawback with the BBFC, as it was usually referred to, was that it was not a body whose decisions were legally binding. In fact, the initial idea was that it was only to provide guidance to the local authorities who would make the final decision. With that in mind, the BBFC certified a film as “U” (suitable for universal viewing) “A” (suitable for adults, only children

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<sup>6</sup> Kuhn pp. 23-4

<sup>7</sup> *ibid.* pp. 21-2: see below p. 79



accompanied by adults should be admitted) or simply refused a certificate. There was, however, no compulsion on producers to submit their films to the BBFC or for the local authorities to pay any attention to it.<sup>8</sup> However, it did have the support of the Home Secretary, Reginald McKenna. McKenna's support was not explained publicly at the time, but later he made it clear that he had been unwilling to put any more official system in place because he feared that it might cause him "embarrassment in Parliament:" in other words, he would have to explain himself to disgruntled MPs after any controversial decision, which could prove problematic.<sup>9</sup> However, the BBFC remained anxious to keep in good odour with the government, because it was only with government support that they could convince the doubtful local authorities of their worth. This may explain why the second President, after Redford's death, was an MP – T. P. O'Connor, the veteran Irish Nationalist member for a seat in Liverpool, although he was also a former journalist of long experience in public relations, something very necessary to the BBFC's survival.<sup>10</sup>

Under O'Connor's leadership the BBFC achieved something akin to respectability – finally gaining the endorsement of Middlesex County Council, in 1920, as an important first step in nationwide acceptance. Middlesex, as one of the largest local authorities in Britain and one which included parts of London in its remit, had considerable influence if only as a trend-setter, and it agreed to abide by the decision of the BBFC as to the classification of films for exhibition, and more importantly, which ones were not suitable.<sup>11</sup> As a result of this decision, and a similar one taken the following year by the even more influential London County Council, the BBFC might have been said to have arrived as the chief instrument of film censorship in the United Kingdom.

There is a very considerable literature on the subject of film censorship. Unsurprisingly, much of it was generated by the widespread debates over censorship in the 1960s, although it is worth noting that most of the major

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<sup>8</sup> Robertson pp. 5-6

<sup>9</sup> Quoted in Tom Dewe Matthews, *Censored* (London 1994) p. 22

<sup>10</sup> Hunnings p. 67

<sup>11</sup> It is noteworthy that this was declared *ultra vires* by the High Court, because it effectively ceded statutory power to a body not qualified to hold it, but the judge qualified this by adding that it would have been acceptable had Middlesex retained the ultimate right of approval while agreeing to abide by the BBFC's verdicts in general: see Hunnings pp. 71-2

debates in the film industry took place in the 1970s rather than the 1960s. Into this category would come the work of John Trevelyan, whose book *What the Censor Saw* offers an interesting parallel to Sir John Johnston's work on the Lord Chamberlain's office, written as the personal memoir of a censor himself: Alexander Walker, who wrote several important and influential studies on the subject of film censorship in the 1960s and 1970s, and in 1975 was due to be employed as an expert witness for the defence should a prosecution against *Last Tango in Paris* under the Obscene Publications Act come to court.<sup>12</sup> Mention might also be made of Guy Phelps, whose book *Film Censorship* was written in the context of the abortive *Last Tango in Paris* prosecution and is thus mainly concerned with the censorship practices of the 1970s, but adds important contextual details that elevate it to the status of a history book. However, pride of place for this era must go to a vast comparative study by Neville March Hunnings, now more than forty years old but still impressive in its scope and perhaps still more so in its concept of a detailed comparison of eight countries (albeit with most focus on Britain) and a substantial and interesting conclusion.

James C. Robertson's book *The British Board of Film Censors* and Annette Kuhn's doctoral thesis *Cinema, Censorship and Sexuality* – the former concentrating to a great degree on the mechanics of the BBFC, the latter emphasizing the context in which they operate – are both extremely worthy works that carried the debate into the 1980s. However, both were written just the wrong side of the VHS revolution, which redefined cinema censorship in this country, as was another admirable work by Jeffrey Richards, *The Age of the Dream Palace*, which, while it concentrates heavily on cinema in the years of the Depression, contains, like Phelps, many details important in the contextualisation of the subject. Richards offered a class-based analysis of censorship – it was, he asserted, designed by the middle and upper classes to control the lower classes.

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<sup>12</sup> Alexander Walker, "Introduction" to Guy Phelps, *Film Censorship* (London 1975) pp. 7-13, p. 7. In the event, a judge ruled that according to the definition of publication in the Act, the film was "published" to the cinema licensee, not the audience, and commented further that there seemed little chance of the licensee in this case admitting that he had been "depraved and corrupted," leaving no case to answer.



After being given responsibility for classifying videos according to content by an Act of Parliament (the Video Recordings Act 1984) the BBFC was effectively given the final stamp of Parliamentary approval, and all real questions about its survival, so pertinent in the 1970s and so central to most of this work, were answered past doubt.<sup>13</sup> However, this did not stop a nostalgic longing for it to be entirely removed, as can be seen from the later book of Tom Dewe Matthews who in 1994 continued to call for its abolition.<sup>14</sup> More recently there has been a definite movement away from this attitude. Aldgate and Robertson commented that, given most of the BBFC's work now consists of video classification and almost no film is now banned outright by them, instead being given one of a complex series of certificates to indicate what age it is suitable for, questions about the necessity or desirability of the system have all but vanished.<sup>15</sup>

However, it is difficult to disentangle from any of these works a thorough discussion of the role of the Home Office in film censorship in the 1920s. Robertson does the best job, but his view on the matter inevitably is refracted through the prism of the BBFC. Kuhn, meanwhile, who otherwise has one of the best of the more recent works on the subject, barely mentions the Home Office at all. Neville March Hunnings has a similarly unimpressive record, with only a handful of references to the Home Office and only one of Joynson-Hicks himself. This is all the more surprising given that there is general agreement that the Establishment wished to control the content of films because of the audience they were aimed at – the working classes. Jeffrey Richards may speak for all:

“The full realization by the Establishment of the importance of films in maintaining hegemony was translated into action through the system of censorship. More than the dictates of

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<sup>13</sup> From the BBFC's website, “About us”, <http://www.bbfc.co.uk/about/index.php>, retrieved 19th May 2008. It should be noted that although the Act was passed in 1984, for various reasons the BBFC's powers under it date from 1985.

<sup>14</sup> Matthews op. cit. pp. 288-9

<sup>15</sup> Anthony Aldgate and James C. Robertson, *Censorship in Theatre and Cinema* (Edinburgh 2005) p. 184

commercial necessity or the artistic vision of production chiefs, the censorship system provided the framework within which the cinema operated as a cultural and social force. It is impossible to understand the development and nature of the British cinema without a full appreciation of the work and influence of the censors.”<sup>16</sup>

Yet having appreciated this, and discussed with great cogency the attitude of Parliament to the BBFC in the 1930s, Richards gives no very clear description of the precise relationship between the BBFC and the main government department they were answerable to in default of a specialist Ministry of Film.<sup>17</sup> Such a gap may perhaps be an indication of the success of the BBFC in divorcing themselves from government control – or it may be a cultural blindness, brought about by confusion over the subtlety of the Home Office’s operations in this field. However, his class-based analysis of censorship is a useful and plausible one, given the dominance of class structures in Britain in this period.

Sarah Smith, in her recent work on the subject, suggested that the censorship system in fact operated as a means of social control over children – or at least, over what was considered suitable for children.<sup>18</sup> She dismissed the notion that there was a “moral panic” about children’s cinema going habits and the potential effect upon them, but asserted that there was widespread interest and concern about the influences children were exposed to – concerns that she did not consider to be wholly groundless.<sup>19</sup> However, she is less robust in defining the cultural attitudes that led to the concerns raised about this subject.

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<sup>16</sup> Jeffrey Richards, *The Age of the Dream Palace: Cinema and Society in Britain 1930-1939* (London 1984) p. 89.

<sup>17</sup> At the time of writing, there is still no Ministry of Film in the United Kingdom. During World War Two the Films Division of the Ministry of Information discharged many functions relating to the industry. Since 1964 responsibility for the film industry has been part of the portfolio of the Minister for the Arts, a non-Cabinet post, now itself part of the Department for Culture, Media and Sport.

<sup>18</sup> Sarah J. Smith, *Children, Cinema and Censorship: From Dracula to the Dead End Kids* (London 2005) p. 26: “[the censorship system] was a system directly motivated by concerns over children and cinema.”

<sup>19</sup> *Ibid.* p. 176



There is much that needs to be said on this subject from the perspective of the 1920s, and this chapter aims to do it.

This chapter depends very heavily on the National Archives' records, rather than those of the BBFC for two very good reasons. First of all, it aims principally to discuss the practices of the Home Office, less those of the BBFC itself, so the Home Office's own records are more important. The second and overriding reason is, however, that the BBFC's records from this period, like those of the Lord Chamberlain's office, cannot be utilised. However, unlike the correspondence of the Lord Chamberlain which, it is to be hoped, has been only temporarily mislaid, most of the BBFC's archive was destroyed by the Luftwaffe in May 1941 when their headquarters at Carlisle House was bombed.<sup>20</sup> This makes the collections at the National Archives even more important.

Working from this material, I aim to examine film censorship in the 1920s, to see what form it took in practice, and what the precise mechanics of the relationship between the Home Office and the BBFC were. I hope also to discuss the Home Office's attitude towards film censorship, especially that of Joynson-Hicks himself, and where and to what effect he exerted his influence. So far as can be judged, this latter happened fairly often, but not in the field of moral rectitude. Uniquely among the chapters in this thesis, this one touches on the subject of Bolshevik propaganda, and government control of it, which sheds interesting sidelights on the relationship between the Home Office and the BBFC.

Joynson-Hicks' opinions on the subject of film censorship are reasonably clear, but they did not stand still over time. In 1927 he said quite simply that he had an "open mind" on the subject of film censorship (or more likely, from the context, on how suitable the BBFC was as a vehicle of censorship and whether it should be replaced by an official system such as the one proposed by Samuel).<sup>21</sup> Later, however, in 1929, he said publicly that he thought public opinion was in favour of a stricter system of censorship – which was almost certainly a coded

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<sup>20</sup> Robertson p. 143

<sup>21</sup> Note by Joynson-Hicks, 2nd May 1927, NA HO 45/24084/450065/62

way of giving voice to his belief that there should be one.<sup>22</sup> Perhaps the dates are significant. In 1927 sound was yet to come – but by 1929 it had become firmly established, and may well have caused him to modify his views, as there were far greater difficulties involved in censoring sound films than silent ones. Because of the “synchronised sound system,” which saw a voice recording and a film played simultaneously in order to create the illusion that the actors were talking, it was necessary to keep both the film and the voice track at the same length – which meant that if there was a problem, it was not simply a question of cutting the offending frames, but of refusing the entire film. Perversely this actually considerably simplified matters in the long run, as it gave the BBFC a reasonable excuse to demand a script before a film entered production and to advise on matters of doubt, but in the short term there were some awkward decisions to be made about films that were perfectly satisfactory apart from brief moments.<sup>23</sup> Perhaps Joynson-Hicks’ hardened attitude reflected some films that had gone through with doubtful passages under this new system.

Joynson-Hicks’ earlier attitude of benevolence or at least neutrality towards the BBFC is however unsurprising given that there had been embarrassing moments for his recent predecessors on this subject. In 1922, while the Lloyd George coalition had been in power, a film called *Cocaine*, showing the effects of drug taking on a young girl in the nightclubs of London, under the control of a syndicate led by her own father. Strong elements of racialism were introduced with the appearance of a Chinese dope peddler, a common link with the drug trade in popular imagination at the time.<sup>24</sup> Unsurprisingly the BBFC, emboldened by the recent endorsement of London County Council but at the same time still anxious to gain further advancements in its reputation, refused a certificate with the full backing of the Home Office’s resident expert on narcotics, Sir Malcolm Delevingne.<sup>25</sup> The problem was that Cardiff and

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<sup>22</sup> Viscount Brentford, *Do We Need a Censor?* (London 1929) p. 9: “I believe the trend of public opinion is towards a more stern enforcement of the law in regard to cinemas.”

<sup>23</sup> Mathews pp. 49-50

<sup>24</sup> See below chapter 7.

<sup>25</sup> An excellent account of this episode is given in Marek Kohn’s *Dope Girls: The Birth of the British Drug Underground* (London 1992:2001) pp. 134-139.



Manchester paid no attention to this recommendation and gave permission for the film to be shown anyway.

When challenged by the Home Secretary on this point, the Lord Mayor of Cardiff replied:

“I have not actually witnessed the film myself, but it seems that a marked difference of opinion exists as to whether its influence on an audience acts as a deterrent [sic] or an inducement to the use of drugs. The Chief Constable, whilst not unmindful of the views expressed by the Board of Censorship, unhesitatingly came to the conclusion that, having regard to the conditions existing here, no apparent harm would result from the exhibition of the film. It is submitted that as there are no Night Clubs of the type to be found in London, the facilities for the “drug-traffic” in this city are so limited as to be practically non-existent, and as a whole Cinema audiences are immune from the temptation hinted at in the decision of the Film Censors.”<sup>26</sup>

Such localism was perhaps a natural result of the devolvement of power to local authorities, but it caused consternation at the BBFC. While the mayor was probably correct in saying that the likelihood of a girl in Cardiff being able to become subject to the same distractions and temptations as a girl in London which had a much more deep-rooted nightclub and drug culture was very small, his decision not to follow the BBFC’s lead was certainly an unpopular one. The Home Office’s response was perhaps predictable. However, there were also protests from another source. Cardiff, as a major port, had a substantial Chinese community, and they were deeply unhappy both at the way the film had been advertised and how they were portrayed in it:

“The advertisements of the film are not in any way offensive to any person but apparently the Manager of the “Capitol”

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<sup>26</sup> Letter from the Lord Mayor of Cardiff to Edward Shortt (Home Secretary 1919-22) 26th May 1922, in NA HO 45/11599/433067/3

cinema appears to have affixed to one of the advertisements outside the cinema a newspaper cutting of an inquest upon a young girl who recently died at London through taking an overdose of Cocaine. This cutting contained a photograph of a Chinaman named "Chang" who was a witness at the inquest,<sup>27</sup> and over the cutting was written, "Read this first, then come and see the film." The newspaper cutting has apparently caused considerable annoyance to the local Chinese residents. The advertisements of the film are not offensive to public feeling and neither do they contain any offensive representations.

I have seen Low Hing, of Cardiff. His chief complaint is against the newspaper cutting mentioned, but in addition he also complains that the Chinaman depicted in the film selling cocaine is an ugly cripple. The newspaper cutting was affixed to the poster after it had been passed by the police, and without their authority."<sup>28</sup>

This confirms two things. First, support for censorship (or at any rate, complaints about the content of uncensored works) came from places other than the far-right constituency of Joynson-Hicks that it is generally blamed upon – although again, it must be considered doubtful whether the BBFC would have paid any attention to the sensibilities of the Chinese in coming to its decision on *Cocaine*, just as there was little enough attention paid to them by the Lord Chamberlain in the theatre.<sup>29</sup> Second, that Cardiff City Council had no intention of getting rid of censorship *per se* – its stance being that it was still fully entitled to censor the content, and even the advertisements for it; the implication of the

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<sup>27</sup> See below pp. 231-5

<sup>28</sup> Report by Albert E. Davies, Inspector, Cardiff City Police, 6th June 1922, in NA HO 45/11599/433067/1

<sup>29</sup> Steve Nicholson: "I am painfully aware that at times...I found myself being drawn close not only to accepting that there may have been a need to control what was allowed on stage, but even that in areas such as racial stereotyping the Lord Chamberlain should have listened more to those who complained." *The Censorship of British Drama 1900-1968 Volume One: 1900-1932* (Exeter 2003) p. 300



last sentence being that approval from the police would not have been forthcoming for this particular advertisement had they known about it. This in turn suggests that while they had not accepted the judgements of the BBFC, this was because they reserved their powers jealously to themselves, not because they did not intend to use them. Manchester took a similar line, the report of the police officer who went to inspect the film reading:

“I beg to report, for the information of the Chief Constable, that on the 5th instant I viewed the above film when being shown to the trade, and, with the exception of a small portion...I formed the opinion that it was quite innocuous, and that there were no grounds for objecting to its public exhibition.

The portion to which I took exception was cut out, and the film was shown at the Gaiety Cinema, in this City, during the week commencing the 15th May, 1922, and was also shown at the Winter Gardens cinema from the 22nd to the 24th of May 1922.”<sup>30</sup>

While the officer found the film innocuous and fit for public viewing, the crucial phrase is “the portion to which I took exception was cut out.” This underlines the fact that Manchester was also willing to act the censor and regulate the content of the films that were shown in the city, but that they were unwilling to hand over that power to a third party in any way. Their recalcitrance caused disquiet at the Home Office, with S. W. Harris commenting:

“It is very unfortunate that Manchester and Cardiff have decided to allow this film to be exhibited. If many cases of this kind occur the present system of censorship will become unworkable and as there is a considerable body of opinion

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<sup>30</sup> Report of A. Fisher, Inspector, Manchester City Police, 25th May 1922 in NA HO 45/11599/433067/5

against all forms of censorship it would not be an easy matter to substitute a better form of censorship.”<sup>31</sup>

This provides strong support to the idea that the Home Office would have liked to impose a more formal system but worried about the possible consequences – precisely as they did with the Lord Chamberlain’s office a couple of years later.

The then Home Secretary, Edward Shortt, was unhappy at the situation that had developed, and sent a firm reply to both mayors, carefully disguised as a private letter so that it would not escape into the hands of the press. However, the fact that the wording of the letters is identical underlines the fact that this was to all intents and purposes an official letter:

“From the information supplied to me I came to the conclusion that the film was calculated to create a morbid interest in the use of cocaine, and would be more likely to suggest or encourage experiments in cocaine taking than to have a deterrent influence. As you will agree, it is very important to do everything possible to combat the cocaine evil and this film in my opinion is more likely to hinder than to help reform.

There is a further consideration, that an awkward and anomalous situation is created when a film is prohibited in one area and permitted in another. Under the existing law, the final decision as to whether a film should be allowed or rejected in a particular area rests with the licensing authority for that area, and I have no wish to impair the responsibility and discretion of the local authorities; but you will no doubt agree that uniformity of practice in the censoring of cinematograph films has many advantages, and it seems to me that in existing conditions the best practicable policy is for each licensing authority to make it their general rule to accept the decisions of the Board of Film Censors, reserving to themselves, of course, the right in any particular case to take their own line if in the opinion of the

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<sup>31</sup> Memo by S. W. Harris, 18th May 1923 in NA HO 45/11599/433067/2



licensing authority there is some good reason for differing from the Board.

If it is not too late I should be glad if the licensing authority in Manchester [/Cardiff] would consider whether having regard to the above considerations they think it is desirable to let this film be shown in your city; and, in any case, I would ask you to communicate these considerations to the licensing authority so that they may have them in mind if, and when, any similar cases arise in the future.”<sup>32</sup>

In stating that it would be better for the cities to go with a uniform censorship system – particularly given that Shortt comments elsewhere in the letter that he was satisfied with the decision of the LCC to accept the BBFC’s verdict on films, and the rest of the letter may be read as a very unsubtle hint that their lead should be followed.

Manchester’s mayor sent back a very humble and apologetic letter saying that the matter would be referred to the city’s Watch committee for further consideration in light of the further information given by the Home Secretary – which was obviously not the case, as he had volunteered very little fresh information, merely advised them as to his opinion.<sup>33</sup> The Mayor seems to have sensed which way the wind was blowing, and was happy to turn his back to it. The decision to bully the dissenting councils over *Cocaine* set the tone for the remainder of the 1920s – whether official or not, the BBFC was sanctioned. This was the situation that greeted Joynson-Hicks in November 1924.

There can be no doubt that for most of his time in the Home Office at least, Joynson-Hicks was satisfied with the BBFC and reluctant to tamper with it, perhaps for broadly the same reason as his inaction on the Lord Chamberlain’s office – the fear of lifting a lid off a can of worms. There is one very interesting document worth quoting at length on this point. When he responded formally to a question on the subject in the House of Lords by Lord Danesfort, a revised brief to reflect his “open mind” read as follows:

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<sup>32</sup> Edward Shortt to the Mayor of Manchester (almost identical letter sent to the Mayor of Cardiff) 23rd May 1922, in NA HO 45/11599/433067/2

<sup>33</sup> Mayor of Manchester to Edward Shortt 24th May 1922 in *ibid.*

“It is obvious that a system under which the appointment and payment of censors rests with the trade organisation is open to considerable criticism. It is natural to think that under such a system the censors must be liable to be unduly influenced by trade and business considerations. It is, however, only fair to say that those who have promoted the present Board of Film Censors and those who have been entrusted with its management have done their best to avoid this danger. It must be remembered that the first movement in favour of an organised system of censorship came from the trade itself...

The Board, of course, has no official authority and in any criticism of the system it must be borne in mind that the Board can only function with any effect so long as it gives satisfaction to the licensing authorities who are the bodies possessing the legal power of whether particular films shall or shall not be shown. If the British Board of Film Censors were to appoint unsatisfactory persons as censors or if the decisions of these censors were unduly influenced by trade considerations, the effect would be that the certificate of the Board would soon lose its value because local authorities would not regard it as even *prima facie* evidence that a film was fit for presentation...

There is ready cooperation between the local authorities and the Board...the certificate of the Board, however, in no way supersedes the discretion of the licensing authorities. Indeed some licensing authorities still act as their own censors – for instance the Justices of one large borough [tentatively given as Birkenhead] insert in their licences a provision that a film shall not be shown unless three clear days notice with a copy and description has been given to the Clerk to the Justices...

If films are being exhibited which fall below such a standard as a censor can reasonably maintain, it is very



desirable that full information should be given to the government, and the Home Office will always be ready to receive and consider complaints. Some years ago a number of complaints were received as to the undesirable character of the films exhibited, but of late years these complaints have almost entirely ceased or when complaints have been made they have been found on investigation to be not well founded. It must be remembered that the work of censoring films is difficult and that the results which can be achieved by such censorship are limited. It is no doubt true that a considerable proportion of the films prepared for exhibition in this country do not reach a high standard from an educational, artistic or moral point of view. But the same can be said of many of the magazines, papers and novels which have wide circulations. Censorship can do little to encourage the production of films of a high standard. All it can do is to prevent the exhibition of films which fall below a certain level.”<sup>34</sup>

This is a curious statement, for a number of reasons. First of all, it emphasises current satisfaction with the BBFC, noting that complaints have decreased, and that the system is currently working comparatively smoothly. While, later on, it adds that Joynson-Hicks had “an open mind” on the subject of “an official form of censorship, and is prepared to give sympathetic attention to an information and any considerations which may be put before him [in favour of a State censor]”<sup>35</sup> it unquestionably gives the impression that the Home Secretary is in no way anxious to address this question unless he had to. The claim that complaints had decreased is also interesting. If true, it suggests that the main aim of censorship, to prevent topics and films that stood no chance of passing the censor from being even considered for production, had been achieved – no mean feat given that the censor was formally subject to the whims of the manifold

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<sup>34</sup> “Brief as amended in accordance with S. of S.’s wishes and sent to Lord Desborough: Lord Danesfort’s motion on the censorship of films,” (undated) NA HO 45/24084/450065/62

<sup>35</sup> *ibid.* (see above)

local authorities and their differing standards. At the same time, it points up the limitations and pitfalls of the system as it stands, and then moves on to the question of the difficulty of censorship as a whole, which rather suggests a non-committal attitude on the part of the Home Office than an open-minded one.

Merely because Joynson-Hicks was not anxious to interfere with the film censorship system as it stood did not mean that he was immune from moments of depression when complaints about the films allowed by the censors came into the Home Office. This particular motion by Lord Danesfort would appear to have been sparked by a letter from the London Public Morality Council, channelled through the Bishop of Southwark, complaining about twelve films that the censor should not have permitted. The secretary of the Board, Howard Tyrer, complained that these films were “not by any means an exhaustive list, but just a few selections from many we have seen, which are typical of what we complain.” It is however worth noting that he added almost in the same breath:

“At the same time, we are bound to admit, that as compared with 1916, the Film Censor has secured many striking improvements, and we do feel that any change should be on the lines of an evolution of the present system, and Always [his capital] retaining the Annual Licensing Session in the background as the real deterrent of abuse.”<sup>36</sup>

It is perhaps suggestive that even those who criticised the system as it stood on the grounds that it was too lax were willing to admit a degree of success to it. It is also worth noting that the films complained of were easily refuted in this case. The LPMC had simply not understood the system put in place by the BBFC. Brooke Wilkinson, the secretary of the BBFC, was anxious to underline this point to the Home Office whenever it was raised, as it was by S. W. Harris in March 1927 (before the letter from Tyrer):

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<sup>36</sup> Howard Tyrer, Secretary of the LPMC, to the Lord Bishop of Southwark, forwarded to first Lord Desborough and then via him to the Home Office and the BBFC (undated, presumably sometime in May 1927) NA HO 45/24084/450065/66



“I had a long conversation today with Mr. Wilkinson about the film trade and we discussed the censorship among other matters. He said that the division of films into A and U films is a principle to which they attach the greatest importance and constitutes, as he expressed it, “their salvation.” He explained that practically all the complaints they get come from people who protest against certain films being shewn to children, and in every case on investigation it has been found that the film complained of was classified “A” – that is to say the censors did not consider it fit for children. Mr. Wilkinson pointed out that the weakness of the present position is that while nearly all licensing authorities have accepted the model condition as to the Board’s censorship, a considerable number of them have not adopted the condition about “A” films. He knew as a matter of fact that considerable pressure (some of a questionable kind) had been brought to bear on licensing authorities by members of the Trade so as to induce them not to impose this condition. Mr Wilkinson’s position therefore is a little awkward because he knows the condition is not supported by a section of the Trade, and it is difficult for the Board of Film Censors to make a recommendation to the Home Office.”<sup>37</sup>

It is very obvious that this had happened in the case of the films complained of in Tyrer’s letter. Of the ten films the BBFC could identify (they could not trace any record of having been sent two of them) nine were found to have been passed with an “A” certificate, so were considered suitable only for exhibition to adults. They had all required cuts or other alteration before being passed even with this certificate. It was noted as an aside that the worst offenders were all

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<sup>37</sup> Report on an interview of Wilkinson by S. W. Harris, 11th March 1927, in NA HO 45/24084/450065/60.

British, which the Home Office official in question pointed out was rather unfortunate.<sup>38</sup>

As a result of this confusion over the ratings system, the matter was quietly allowed to drop. But it highlighted an important weakness of the extant system. Many in the film trade were complaining bitterly about the strictness of the censorship, pointing out that having to work within the auspices of the BBFC stifled their creativity at the expense of their rivals on the continent and especially in the United States, who laboured under no such handicap at this time. Frequently the BBFC elected to pass something in a foreign film that they would not have allowed in a British one rather than reject a film outright, which was demonstrably unfair. This was particularly true of American films, whose financial support was necessary for the continuation of both the cinema network and indeed the film industry itself.<sup>39</sup> But equally, if the film rating system was not strictly adhered to by local authorities – and it was only advisory – then it might give the impression to its opponents that the BBFC allowed practically anything to be shown to any audience. This seems to have happened here (aside from the curious note that the films most strongly objected to were all British, which seems counter to the normal pattern). If the system as it stood could not be clearly understood, or indeed was possibly wilfully misunderstood in a bid to force a change, the Home Office would find itself with the unenviable job of sorting the entire mess out. No wonder the normally ebullient Joynson-Hicks wrote on this letter, “I feel quite hopeless about this “Film Question.”<sup>40</sup>

This may be why he was personally so reluctant to tamper with it – but the most important man in the Home Office went much further. In light of all this fuss, Joynson-Hicks invited Sir John Anderson to prepare him a brief to put before the Cabinet on the subject of film censorship. Anderson’s own position was bluntly stated in a cover note to his political superior: “My personal view is that the existing censorship works exceedingly well and I would strongly

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<sup>38</sup> O’Connor to Bicknell, 9th June 1927, and minute by Bicknell, 10th June 1927, NA HO 45/24084/450065/66.

<sup>39</sup> Mathews pp. 53-4

<sup>40</sup> Minute by Joynson-Hicks, 15th June 1927, NA HO 45/24084/450065/66 (see above p. 153).



deprecate any change in the direction of an official censorship.”<sup>41</sup> The briefing note to the cabinet, prepared by S. W. Harris under Anderson’s guidance, was almost equally forthright:

“In the opinion of my [Joynson-Hicks’] advisers the present censorship, with which they have kept a close touch, has in practice worked very well and it is probably true to say that a higher standard is maintained than in any other country...the Secretary of the Board has a wide knowledge of the industry and considerable influence with its members. The trade does not attempt to interfere in any way with the actual work of censorship, and the present personnel would certainly decline to be influenced by trade considerations...It relieves the government of a difficult responsibility. Some Minister – presumably the Home Secretary – would have to answer to the House of Commons for the decisions of the official body of censors, and he would be liable to meet constant criticism either as to undue leniency or as to excessive interference with freedom of expression. In matters of taste and morality the experience of the Lord Chamberlain in connection with stage plays shews how thankless such a duty would be. In the political sphere the duty might easily be more difficult...there are bound to be cases on the border line in which the film would have to be submitted to censorship and the position of the Government of the day might be embarrassing.”<sup>42</sup>

Clearly the difficulties Joynson-Hicks had experienced when he considered reform of the Lord Chamberlain’s role as a theatre censor had not been lost on his department. There seems to have been no appetite for any sort of reform of the system within the Home Office, even though Joynson-Hicks may have

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<sup>41</sup> Sir John Anderson to Joynson-Hicks, 14th April 1927 NA HO 45/24084/450065/68

<sup>42</sup> Memo by S. W. Harris, undated, NA HO 45/24084/450065/66

wished at times that he was not on the receiving end of trouble for something he could not directly control.

However, even as things stood in the film industry, the Home Office exerted much influence over the BBFC when it cared to, much as it did over the Lord Chamberlain, which may partly explain why there was no desperate urge to bring it under formal Home Office control. It is also worth emphasising that the BBFC were extremely strict in their enforcement of morality on the screen – which may be another reason why Joynson-Hicks was never especially worried about lax standards of morals in films until he wrote *Do We Need a Censor?* For instance, in 1925 the BBFC had said sternly that they would check “the growing habit with actors of both sexes to divest themselves of their clothing on slight or no provocation.” Although in practice male actors were allowed to reveal their torsos throughout the 1920s, female nudity (which had occurred increasingly frequently prior to this remark and reached an apogee with the original *Ben Hur*) stopped more or less abruptly.<sup>43</sup> Such a remark would have chimed well with Joynson-Hicks’ own views, and may have encouraged him to view the censorship system as satisfyingly orthodox. However, that did not stop him exerting his influence in another field of film censorship; for here we finally touch upon one of the features that defined Joynson-Hicks’ tenure of the Home Office – his anti-Bolshevism.

There can be no doubt of Joynson-Hicks’ firm belief that Bolshevism was a dangerous evil that must be fought. One of the weapons of this particular war was propaganda, and especially film propaganda. This was a weapon made the more formidable by the fact that the Russians had one of the world’s finest film directors working for them – Sergei Eisenstein, a man who could not only make very effective propaganda films, but was in his own right a superb and accomplished film-maker. As such, his films posed something of a problem for the BBFC, and the Home Office’s influence was decisive in ensuring they were refused a certificate.

Probably the most serious and difficult of these cases was represented by Eisenstein’s masterwork, *Броненосец «Потёмкин»*, in English usually

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<sup>43</sup> Matthews pp. 70-71 (quoting the BBFC’s Annual Report for 1925).



rendered roughly as *The Battleship Potemkin*.<sup>44</sup> The reason for this was that not only the Home Office expressed concern over the content. The Permanent Secretary of the Admiralty wrote to Anderson as follows:

“General Page Croft has drawn the First Lord’s attention to a Bolshevist film called the “Panzer-Kreuzer Potemkin” which has recently been shown in Berlin, and which appears to be a fantastic representation of a mutiny on board a Russian Battleship, worked up so as to constitute very objectionable propaganda against the discipline of the Fighting Forces. We presume that there would be no likelihood of such a film being allowed to be exhibited here, but should there be any question of it, the First Lord hopes that the Secretary of State will do everything possible to prevent it.”<sup>45</sup>

Such an attitude was perhaps understandable, given that the General Strike had happened only two months previously and the Russian Revolution was still a very recent memory. The plot of *Battleship Potemkin* is based around a famous mutiny in 1905, when the crew of a Russian warship (the *Potemkin*) rose against their harsh conditions and poor food and succeeded in overpowering and killing most of their officers. After sailing into Odessa and causing rioting there as well, they fled the port before additional Tsarist troops could arrive to restore order and, evading the Black Sea fleet, sailed successfully to Romania.

The film follows the course of events fairly closely, although dramatic licence is taken for propaganda and narrative reasons – for instance, the legendary climax of the film where Tsarist troops fire on a crowd on the Odessa Steps did not happen (or to be more exact, did not happen there – Tsarist troops almost certainly did fire on demonstrators in the main streets). But the potential propaganda value, whether of true events or invented ones, was immense, and it is not surprising the Admiralty was nervous (although it seems unlikely that the

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<sup>44</sup> Technically the title translates more nearly to “The Armoured Warship Potemkin.”

<sup>45</sup> O. A. R. Murray to Sir John Anderson, 21st June 1926, NA HO 45/24871/495038[1]

particular cocktail that mixed on the *Potemkin* of harsh and stupid captains, inadequate and rotten food and a major military defeat would have been present in the British peacetime navy). Despite this, Anderson was very quick to reassure his counterpart:

“The Home Office has no direct authority to prevent the exhibition of a film but I don’t think you need feel any anxiety about the particular film which you refer to in your letter of the 21st instant. The Board of Film Censors to whom all films are submitted would, I feel sure, never pass a film of that character – certainly not without reference to us. They usually consult us if they are in doubt. To make surer [sic] I have had their special attention called to the “Panzer-kreuzer Potemkin.”<sup>46</sup>

The easy confidence of the Home Office was not replicated at the Admiralty. The First Lord William Bridgeman, himself a former Home Secretary, who wrote personally to Joynson-Hicks to underline his concerns, pointing out that this comforting analysis of the BBFC’s likely reluctance to pass the film was wrong in one vital particular:

“The question, however, that disturbs the Admiralty is what will happen if cinemas showed the film in spite of the refusal of the Board to pass it. I understand that the worst thing that can happen is that the local authorities may refuse to renew their licences; but some local authorities, far from taking such action, might encourage the exhibition of this particular film, and it is conceivable that they might even refuse to renew a licence of a house that did not show it. Also it is possible that smaller and less reputable houses in the naval ports might be bribed to run the risk of their licences not being renewed. As the situation now stands, the probability is that this film will

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<sup>46</sup> Copy of a letter from Anderson[?] to Murray, 23rd June 1926, NA HO 45/24871/495038[1]



have a wide circulation in the poorer districts, whether it is licenced [sic] or not... I should be glad to know whether you have any legal powers under the Mutiny or other Acts to prohibit the exhibition of this film.”<sup>47</sup>

The wording of this letter is somewhat curious, given that Bridgeman himself had been a Home Secretary and therefore must surely have had some idea of what the Home Secretary’s powers were in this regard. It is possible, however, that Joynson-Hicks had acquired a reputation among his colleagues, as he had among the general public, for bending and twisting various statutes to their limits to suit his purposes when necessary, and Bridgeman may have been obliquely hinting that he wanted something along those lines done here.<sup>48</sup> While his fear seems disproportionate with hindsight, it is again necessary to remember the context in which he wrote and the nervousness he may have felt about the possibility of mutiny in the Royal Navy. It is also fair to point out that he was quite correct in saying that the BBFC’s likely refusal to grant *Battleship Potemkin* a licence did not necessarily mean that all local authorities would be willing to follow its lead.

Indeed, the suggestion that the BBFC would not pass this particular film and therefore there was no risk that it would be shown indicates a certain hubris on the part of the Home Office. The statutory powers were reserved to the local authorities which were run by a wide variety of local politicians, including in many areas very left-wing factions of the Labour party that were bound to be sympathetic to a film, particularly a good film, that depicted the class struggle in a light favourable to their own political interests. Furthermore, given that the BBFC was in any case theoretically fully independent of the Home Office and not legally obliged to follow its requests if it chose not to, the idea that “the BBFC will not pass it without consulting us and therefore you are making a fuss about nothing,” which seems to have been Anderson’s attitude to Murray, is

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<sup>47</sup> Bridgeman to Joynson-Hicks, 1st July 1926, NA HO 45/24871/495038/3

<sup>48</sup> “The Home Office encouraged a police crusade against vice and immorality, through a series of raids and prosecutions that drew a great deal of publicity and took DORA right to her limits.” John Ramsden, *The Longman History of the Conservative Party Volume 3: The Age of Balfour and Baldwin 1902-1940* (London 1978) p. 286

perhaps rather a naïve one. In fairness, of course, the idea of the BBFC setting aside the views of the Home Office on a matter like this, at a time when it was still uncertain of its future, is a ludicrous one in its own right, but Anderson seems to have overlooked the autonomy of the local authorities, who certainly could ignore the Home Office on this subject if they wished to. However, further pressure exerted perhaps under the Incitement to Mutiny Act, already used by Joynson-Hicks to devastating effect in the “Campbell case,” would be enough to bring all but the most recalcitrant in line, so Bridgeman’s letter is not perhaps as remarkable as it seems at first sight.<sup>49</sup>

Joynson-Hicks certainly did not wait long before taking steps to ensure that Bridgeman’s fears were groundless. One of Bridgeman’s specific charges was that a print of the film was in Britain, held by a licensed film agent, F. A. Enders, and that it was one of “twenty or thirty such films” that had been imported by the Russian Trade Delegation (ARCOS).<sup>50</sup> Careful enquiries by the Home Office, partly conducted via Scotland Yard, revealed that Enders did indeed have *Battleship Potemkin* in his possession, and was perfectly open and frank about it when he was approached by Brooke Wilkinson. Enders simply said that he had it, but only for private viewings of directors to show them an outstanding example of Eisenstein’s work rather than “commercial exploitation,” and that in his opinion it would be impossible to modify it enough to get it past the BBFC’s censors. His idea had been to try and get Western filmmakers to commission work from Eisenstein that followed a non-propaganda line. He added that it was a pity that *Battleship Potemkin* could not be modified enough to be generally shown, because of its outstanding technical and artistic merit.<sup>51</sup> While Enders may have been himself a little naïve in thinking that the Soviet Union would allow their greatest director to become side-tracked into commercial film making, his explanation is a plausible one – and given just how good a director Eisenstein was, even a laudable one.

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<sup>49</sup> A. J. P. Taylor, *The Oxford History of England XV: England 1914-1945* (Oxford 1965) p. 242. The Mutiny Act had been passed in the eighteenth century (1797) to deal with trouble in the navy, but it could be readily adapted to other uses.

<sup>50</sup> Bridgeman to Joynson-Hicks, op. cit.

<sup>51</sup> Wilkinson to Harris, 30th June 1926, NA HO 45/24871/495038/3



In light of this enquiry, Joynson-Hicks wrote back to Bridgeman in soothing terms, reassuring him of how limited the danger was:

“The Customs have at our request undertaken to look out for any further copies and hand them over to the Police.

I think, therefore, that as matters stand there is no cause for anxiety that the film will be shown here, but I will let you know immediately if I hear that any attempt is to be made to produce the film in public.”<sup>52</sup>

Joynson-Hicks was in private somewhat less sanguine, minuting firmly to his officials that “people are alarmed about this film and great steps must be taken to stop it.”<sup>53</sup> As with *The Well of Loneliness*, the order for Customs to seize the film were it was found went out, and doubtless Joynson-Hicks felt that that would be sufficient to stop any more imports, leaving just the one tightly controlled and known copy in the country.

However, it was his misfortune that events overtook him. After a long agitation, the ban on showing *Battleship Potemkin* was lifted in Germany, and this led to a surge of interest in the film in the popular press, especially the left-wing press.<sup>54</sup> Following this notoriety, Enders had a change of heart himself and decided to try and get the film licensed by the BBFC in order to cash in on its notoriety. This time Joynson-Hicks and the Home Office moved decisively. They summoned the BBFC’s senior figures to an “unofficial” conference, at which it would seem the Riot Act was read to them on what would happen should this film go through. The official record of this unofficial conference was as follows:

“The conference was entirely unofficial and it was definitely understood by all who took part in it that the Board of Censors, in conveying their decision to refuse a certificate for

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<sup>52</sup> Joynson-Hicks to Bridgeman, 5th July 1926, NA HO 45/24871/495038/3

<sup>53</sup> Joynson-Hicks, minute of 2nd July 1926, NA HO 45/24871/495038/3

<sup>54</sup> See, for instance, “Russian Film Fight: Germany lifts ban on great work,” *Daily Herald*, 3rd August 1926, in NA HO 45/24871/495038/4

the film, would do so on their own responsibility and would not, without permission, mention that they had consulted any government department.

As shown in the memo, the probability is that no attempt will be made to show the film in this country if a certificate is refused by the board. If, in spite of the refusal of a certificate, attempts were made to exhibit the film by the Communist party or any other person, a situation would arise which would need further consideration. We can be sure that we shall get early information from the Board of any attempt to exhibit the film.”<sup>55</sup>

It seems unlikely that the BBFC would have adopted so servile an attitude unless they were under extreme pressure. Given that they were employed by the film trade, and given that *Battleship Potemkin* is universally acknowledged as a cinematic masterpiece, this decision would almost certainly prove controversial for them, and therefore to take the blame for a decision that was effectively not theirs was either a very selfless act or a very pragmatic one – more likely the latter. It is not hard to think what could push them into this decision – a hint that if a trade censorship would not do what a government wished it to do, then the government would replace it with a system that would. Joynson-Hicks was however delighted, and showed his usual fearlessness in accepting responsibility: “I am much pleased with the action taken by the H. Office and other govt. departments and will support to the utmost both in Parliament and out the decision to proscribe this film.”<sup>56</sup>

That seemed to end any danger of *Battleship Potemkin* being shown commercially in Britain at that time. However, the difficulties with Russian propaganda films continued. While Scotland Yard could find no evidence to substantiate Bridgeman’s claim of a large number of propaganda films held at ARCOS (while promising at the same time to keep a close watch in case any turned up later) several other Russian films caused the government acute

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<sup>55</sup> Minute by Newsam, 9th September 1926, in NA HO 45/24871/495038/5

<sup>56</sup> Minute by Joynson-Hicks, 14th September 1926, in NA HO 45/24871/495038/5



anxiety.<sup>57</sup> One such scare about a film was sparked by an article in the *Observer* about a film called *Black Sunday*. This particular film dealt with the events around what is more usually now called “Bloody Sunday,” when a column of marchers who wished to present a petition to the Tsar were fired on by Cossacks in front of the Winter Palace, sparking the 1905 revolution. The *Observer* described the film as “something more than mere acting.”<sup>58</sup> Perhaps revealing a curiously haphazard method of policing Soviet film propaganda, Captain Miller of New Scotland Yard asked for a warrant to detain the film and examine it, as far as can be judged solely on the strength of this one review.<sup>59</sup> He got his warrant. It is interesting to note, however, that it was not signed by Joynson-Hicks. It was signed by a Nobel Laureate, a former Conservative Party Leader and a man who had been a pillar of the centrist Lloyd George coalition – in other words, somebody about as far removed from the Diehard Joynson-Hicks as it was possible to get in the Unionist party. That man was Sir Austen Chamberlain, the Foreign Secretary.<sup>60</sup> While this is perhaps more of an interesting aside than a crucial point of argument, it does illustrate that the censorship of Art and anti-Bolshevism was not something confined to the Tory far right.

Probably the best propaganda film apart from *Battleship Potemkin* that the Home Office had to deal with, at least with regard to artistic merit, was Pudovkin’s film *Mother*. In the film a woman whose son organises a strike at work, in which his father is killed, turns over arms that he has collected to the Okhrana when he is arrested in the belief that they will then release him. However, he is sent to prison, escapes and is shot organising a revolt. Having lost everything, the eponymous mother holds the red flag high and advances on the police who ride her down.<sup>61</sup> Put that way, it is clearly Communist propaganda. One civil servant noted, after discussing how dangerous it was as

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<sup>57</sup> New Scotland Yard to Home Office, official letter, 19th July 1926, in NA HO 45/24871/495038/3

<sup>58</sup> “*Black Sunday*: Another Russian Film in Berlin,” *The Observer*, 28th November 1926, in NA HO 45/24871/495038/9

<sup>59</sup> Captain Miller of New Scotland Yard to Scott, 30th December 1926, in NA HO 45/24871/495038/9

<sup>60</sup> Warrant for the seizure and detention of *Black Sunday*, 3rd January 1927, in NA HO 45/24871/495038/9

<sup>61</sup> Plot synopsis of “The Mother,” stamped “Received 15th Oct 27,” NA HO 45/24871/495038/16

propaganda and how in his opinion it should be banned, "I ought to add that the film is technically a very great improvement on any previous Russian films we have seen and that the acting throughout, and particularly that of the mother, is of a very high order."<sup>62</sup> But it is worth noting that, as in literature, artistic merit played no part in the decision of whether or not it should be banned. Anderson, in conceding the suggestion that the film should be detained by the police if it was found, simply said, "There are serious possibilities here and all concerned must be on their guard."<sup>63</sup> The "serious possibilities" must surely refer to the propaganda – there is no mention of its artistic merit or the quality of its acting. Joynson-Hicks was even blunter, simply saying "I agree and have signed warrant."<sup>64</sup>

Most of the warrants in the case of films banned on political grounds were reversed by Clynes in 1930.<sup>65</sup> The vigour with which Joynson-Hicks and the Home Office pursued Bolshevik propaganda can be judged by the fact that the file on this subject runs to at least 101 folders, many of which have been destroyed. It would be interesting to know exactly what was in them – for instance, did the hints that ARCOS was being used as a vessel for Soviet propaganda films contribute in any way to the raid on ARCOS the following year, which was strongly pressed for by Joynson-Hicks, but proved controversial and led to a rupture of Anglo-Russian relations, causing fears in Russia that there might be a war? Such questions can no longer be answered given the incompleteness of the evidence – while it is perfectly possible, it cannot be put forward as a tenable hypothesis on the available records. But it is clear that, while Joynson-Hicks was generally willing to leave matters of taste and morality to the BBFC, whatever doubts and private moments of despair he may have had, he was determined to take a more active role in the censoring of propaganda. His attitude may be summed up by his comment on another

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<sup>62</sup> Report by Scott, 14th September 1928, in NA HO 45/24871/495038/16. It should be noted that this report was of a viewing held a year after the initial decision was taken that the film should be controlled.

<sup>63</sup> Minute by Anderson, 17th October 1927, in NA HO 45/24871/495038/16

<sup>64</sup> Minute by Joynson-Hicks, 18th October 1927, in NA HO 45/24871/495038/16

<sup>65</sup> For instance, the warrant for *Mother* was stamped "Cancelled 27/5/1930" (NA HO 45/24871/495038/16) as was that of *Black Sunday* (NA HO 45/24871/495038/9).



Russian film, *The End of Holy Petersburg*: “Certainly keep this rubbish out.”<sup>66</sup> Where he led, the BBFC followed, tamely and in many cases in a way that was *prima facie* counter to its own best interests. That surely says enough about who wielded the real power in film censorship in the 1920s – whenever he chose to exert it.

It is worth remembering, having reviewed all the evidence in this chapter, one fact that causes film censorship to stand out from every other form of censorship activity surveyed in this thesis – as of 2008, the same system remains in operation, and has been continuously in operation since the time this thesis focuses on. Admittedly the initials “BBFC” now stand for “British Board of Film Classification,” and the certification system is now much more sophisticated. Hardly any films are now banned outright on the grounds of content, but the labels remain voluntary rather than statutory in the case of cinema exhibition, and have been overturned by local authorities in the recent past. One notable example springs to mind; the case of *Spiderman*, starring Tobey Maguire, given a 12 certificate by the BBFC and reduced to PG by a variety of local councils, despite the fact that the BBFC actually hesitated between a 12 and a 15 certificate due to its violent content.<sup>67</sup>

Yet on the whole, down the years, the censorship system and later the classification system has worked with relatively few alarms and a great measure of success – to the extent that the BBFC were granted powers to grade videos in 1985, and there are persistent rumours that they may be given further control over video games as well, which currently operates on something of a hit-and-miss basis.<sup>68</sup> Perhaps the very nature of the system has made it durable – its

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<sup>66</sup> Minute by Joynson-Hicks, 3rd April 1928, in NA HO 45/24871/495038/29

<sup>67</sup> “Parents warned of *Spiderman* violence,” BBC News website, entertainment section, 13th June 2002,

<http://news.bbc.co.uk/1/hi/entertainment/film/2042729.stm>, accessed 21st May 2008. It would seem that because the film was based on a comic book character, these councils mistakenly thought it was a family film. The controversy was instrumental in the establishment of a new “12A” certificate to reflect the American “PG-13” rating, replacing the “12” certificate, the following year.

<sup>68</sup> It is currently the responsibility of a game developer to decide whether the game in question would require a certificate, and the BBFC has no power to demand that games be submitted to them for approval, although they provide guidelines on what is and is not exempt from classification. As a result, not all

voluntary aspect meaning that if somebody transgresses against its rules and suffers for it, there is hardly any point in them complaining loudly in the press, because it can always be overturned by an appeal to the relevant local authority. Of course, in the case of a national release such an approach would be impracticable, and makes the BBFC's decision effectively final, which may be why it is not universally loved.<sup>69</sup>

Such a result could hardly have been foreseen in the 1920s, at a time when Home Office pressure on the office was being exerted on everything from drugs to Bolshevism, questions about a state system were asked in Parliament, and the BBFC's very existence was new and precarious in the extreme. But, as Sir John Anderson said, on the whole the system devised in 1912 worked very well, and its remarkable resilience is testament to its soundness. But from another point of view, it is also important. It shows that in the 1920s, there may have been calls for censorship to be entirely abolished, but the general tenor of the times was not, as is sometimes claimed, for completely free expression. The BBFC started as a trade organisation that nobody trusted, and owed its later success to the fact that it was an efficient and ruthless censor of films that satisfied those with the power to follow it or ignore it, while often working counter to the ostensible interests of the industry it had been founded by. Like the Lord Chamberlain's system, it may have survived partly by default, but there can be no doubt that it did enjoy support among certain important and influential sectors. Joynson-Hicks, who was seldom afraid of exerting his influence where he felt it was needed, was on the whole happy to leave matters to the BBFC. He refused Parliamentary legislation to make the BBFC into an official body, even when he was under pressure to do so and admitted that he was finding it difficult to see his way clear to satisfy everybody. Perhaps this was because the Home Office's tune could determine how the BBFC danced when the former chose to make it. But it does not seem that Joynson-Hicks felt any great qualms about the way in which the BBFC exercised its functions, and was satisfied, as were his senior officials, that the system worked well enough in

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video games are examined, reminiscent of the situation under the OPA in the 1920s. See the BBFC's website, "Submission of Video Games", [http://www.bbfc.co.uk/customer/cust\\_procDigi.php](http://www.bbfc.co.uk/customer/cust_procDigi.php), accessed 30th March 2009.  
<sup>69</sup> Mathews pp. 286-289



practice. If the BBFC managed to avoid the wrath of Joynson-Hicks, that perhaps says at least as much about them and their work as about him.

PART THREE

**LOW CULTURE AND  
HIGH LIVING**



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## 6) “A Good Word for DORA”: Night Club Culture.

““There’s lots of little things a man may do in the way of breaking the law. There’s street-betting, and drunk and disorderly, and buying stuff after closing-hours and so on: little odds-and-ends that come in handy at times.”

“My conscience!” said Wimsey. “First time I’ve heard a good word for Dora!”

Dorothy L. Sayers, *Have His Carcase*.<sup>1</sup>

The London nightclubs of the 1920s have had a very mixed bag of opinions pronounced upon them, both at the time and since. In the 1920s and 1930s conservative writers would depict them as haunts of every form of depravity. For John Buchan, a “dance-club” in Soho was the front of the criminal organisation run by sinister master-villain Dominick Medina in *The Three Hostages*. For Sayers, in *Murder Must Advertise*, they made a conveniently raffish location for the display of depravity among Bright Young Things, and for a dope-running racket being investigated by Lord Peter Wimsey. Even Douglas Goldring, whom nobody in their senses would declare a “conservative” in any sense of the word, said some unkind things about nightclubs by implicitly linking them with prostitution.<sup>2</sup> However, Ronald Blythe, not somebody inclined to duck controversial statements or to bother examining nuances where a generalisation would do, veered to the other extreme and baldly referred to them as “rather shame-faced versions of ordinary café and revue-bar life such as could be found in any major Continental city.”<sup>3</sup>

What were nightclubs, and what was the problem with them? The roots of this particular issue dated back to the First World War and were inspired by, of all things, the great shell scandal of 1915. General Haig blamed the shortage

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<sup>1</sup> London 1932: this edition paperback 1974 pp. 280-81.

<sup>2</sup> Douglas Goldring, *The Nineteen Twenties: a general survey and some personal memories* (London 1945) defined the street in which Kate Meyrick had her nightclub as “one of most unprepossessing in Soho...frequented by tarts and souteners” (p. 145) Whether he blamed Mrs Meyrick for the prostitutes is another matter, but cf. p. 249 where he condemns Mrs Meyrick as “a “criminal” who aroused much good-natured public sympathy” (because she was interested in money and not civil liberties *per se*).

<sup>3</sup> Ronald Blythe, *The Age of Illusion: England in the Twenties and Thirties 1919-1940* (London 1963) p. 35.



of shells that so badly hampered his campaigns on the laziness and drunkenness of the British worker, and Lloyd George uncharacteristically sided with him, uttering the immortal words, "We are fighting Germans, Austrians and Drink, and so far as I can see the greatest of these deadly foes is Drink."<sup>4</sup> As a result, one of the provisions enforced under the "Defence of the Realm Act" (hereafter DORA) strictly regulated opening hours of premises serving alcoholic liquor. The key feature of the legislation after 1915 was the setting up of a Central Control Board to regulate liquor sales in "areas crucial to the war effort," by restricting hours and sales, areas that by 1917 covered some 93% of the population. This, coupled with higher taxes on alcohol (the price of beer trebled during the war) a ban on buying drinks for others and progressively weaker drinks due to dilution in order to conserve food supplies, saw a truly dramatic fall in alcohol consumption (and by implication, drunkenness) during the War.<sup>5</sup>

The effect of a reduction in drinking were by no means entirely negative. Gerald J. DeGroot noted that there was a surprising fall in infant mortality at the weekends, something he attributed to lower levels of drunkenness among parents.<sup>6</sup> However, while most people seem to have put up with these restrictions during the war, however reluctantly, for fear of being seen as unpatriotic if they grumbled, there has been a great deal of criticism poured over successive governments, at the time and since, for continuing to enforce these provisions of DORA after the war had finished. Douglas Goldring, riding one of the conspiracy theories that his book on the period is chock-full of, saw in it an attempt by the upper classes to suppress Bolshevism by keeping the working classes sober, and to retain all alcohol solely for themselves.<sup>7</sup> In actual fact, DORA in its pure form was not enforced after the war, and the law under which Joynson-Hicks pursued the nightclubs was the Licensing Act of 1921. Mrs Meyrick, one of the most prominent and notorious nightclub owners a

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<sup>4</sup> Gerard J. DeGroot, *Blighty: British Society in the Era of the Great War* (London 1996) p. 75

<sup>5</sup> DeGroot pp. 237-8

<sup>6</sup> *ibid.* p. 219. DeGroot held that the reason was fewer drunken parents "overlying" i.e. rolling on top of small babies in bed with them and smothering them.

<sup>7</sup> Goldring p. 248. It is important to point out that it was not him who saw the correlation between Communism and intoxication, but it is the motive he attributes, by name, to Joynson-Hicks.



discussion of whose actions form a large slice of this chapter, listed the provisions of this act thus: places that served alcohol could open for a maximum of nine hours between 11am and 11pm with a break of a minimum of two hours after noon; any premises (or clubs) that served meals could stay open for an hour longer (i.e. up to midnight).<sup>8</sup>

The net result of all these restrictions was to reduce the number of hours in which alcohol was served by 1921 compared with 1914. For all his faults, Goldring puts it rather well:

“The enemies of freedom, it is true, did their best to kill the public-house [sic]. Three years after the Armistice, pubs were only open six and a half hours out of the twenty-four, as opposed to nineteen and a half hours in 1914. The penal taxation of alcoholic liquors was, moreover, continued by the Conservative profiteers in pursuit of a deliberate policy to retain as many as possible of the pleasures of life for the privileged.”<sup>9</sup>

Leaving aside Goldring’s persistent paranoia, which I have already remarked upon, there can be no doubt that a heavy blow had been dealt against the sale of alcohol. But alcohol is a potent mixture, with its own ingenious ways of hitting back at its enemies. The nightclub was one such way. During the war it became fashionable to drink illegally after hours in closed (or at least theoretically closed) establishments. These became known as “nightclubs.”

Defining a “nightclub” is by no means an easy task, as became all too painfully apparent to Joynson-Hicks when he attempted to legislate against them in 1925.<sup>10</sup> Broadly speaking, a nightclub in the 1920s was regarded as a place that stayed open later, and served liquor later, than the hours provided by the Licensing Act of 1921 for premises that served alcoholic refreshment. Almost invariably they were also places where dancing and music was laid on. They were also, officially, “clubs,” that is, places owned and operated by members on behalf of members, which is how they dodged the licensing laws.

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<sup>8</sup> Kate Meyrick, *Secrets of the 43 Club* (second edition Dublin 1994) p. 15

<sup>9</sup> Goldring p. 77.

<sup>10</sup> See below pp. 192-193

In practice, one person or a small group in partnership, who appointed a dummy committee to maintain the “club” front for them, usually owned them. Generally, they charged exorbitant prices for drink and food, so they were patronised only by the wealthy and fashionable.

However, there were innumerable tangles in this definition. For instance, many hotels and restaurants stayed open later than ordinary pubs, yet no reasonable person would describe them as nightclubs. They were also, incidentally, much more tightly controlled and regulated than nightclubs, because they operated inside the law and were therefore open to the control of it. There were also, in this period, some popular dance clubs that did not serve alcohol despite staying open very late. These were often, by no means erroneously, referred to as nightclubs as well, but there was no possible legal or moral objection to them.<sup>11</sup> These factors were a crucial part of the nightclubs’ success in avoiding police suppression.

What actually happened in what would be considered a nightclub? The two basic answers are drinking and dancing. Nightclubs existed to sell drink: but they would also provide a band and a dance floor (hence the confusion over what was a nightclub and what was a dance club; they often appeared very similar). However, the patrons of these nightclubs very often took drugs, either bought at the nightclub if the owner was even less than usually scrupulous, or bought elsewhere and often taken elsewhere as well. Nightclubs often served food too, although demand to be limited. The basic definition I adopt here is that a nightclub was a place where dancing occurred AND where drink was regularly served after the hours allowed by the 1921 Act.

This chapter, in discussing nightclubs, does not aim to be an exhaustive study of the night life of the upper classes of London between 1924 and 1929 (which is essentially what night clubs were). It aims to examine what nightclubs were, including what went on inside them, so far as can be ascertained. It examines why Joynson-Hicks pursued them with such vigour. It looks at who the principal supporters of Joynson-Hicks were in his campaign, as well as whom his opponents were. It also seeks to ascertain why Joynson-Hicks’s pursuit of these law-breakers was by and large unsuccessful. It does not seek

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<sup>11</sup> Hannen Swaffer, “The Night Club Panic,” *The People*, 8th February 1925, offers as good a summary as any of these difficulties and confusions.



neat cut-offs in 1924 and 1929, but attempts to look at the question in the round, especially the major police crackdown on nightclubs in 1930-31, that finally succeeded in closing most of them.

It will be noticed that this chapter concentrates heavily on one particular woman: Kate Meyrick (usually referred to as “Ma” Meyrick by socialites of the time). The reasons for this are twofold. First, she was a notorious and persistent offender, with a bulky and informative police file that has survived, providing a great deal more information than on the average nightclub owner and his/her premises. She also, in writing her memoirs, left a most illuminating document that I have been able to draw on in order to give some idea of how it felt to be working in the nightclubs themselves. Secondly, and just as importantly, she was a dominant figure in the London social circle. As an Irishwoman, and therefore not technically an alien,<sup>12</sup> she escaped the worst punishment that DORA could inflict (deportation) which was reserved for undesirable aliens. This meant that she could steer a cunning course against the law, not necessarily with impunity but with far less risk than – for instance – her fellow nightclub owner Victor Perosino, owner of the “Chez Victor,” who was finally forced to flee to his native Paris.<sup>13</sup> The “43,” as her club was usually referred to, was a major social centre for the fashionable: and especially, the wealthy.

Joynson-Hicks had barely entered office when his campaign against nightclubs had begun. The Baldwin government swept back to power on the 4th November 1924. Joynson-Hicks was appointed Home Secretary on the 6th. By the 26th he was already pestering officials for details of a number of clubs that had been brought to his attention as especially difficult to police, or particularly frequent offenders, and discussing fresh legislation to deal with them.<sup>14</sup> It should be noted in fact that Joynson-Hicks was very sparing in his use of legislation, witness his extreme reluctance to tinker with the Obscene

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<sup>12</sup> The Irish Free State achieved Dominion Status in 1922; the Republic of Ireland broke away from the British Empire altogether in 1949.

<sup>13</sup> Robert Graves and Alan Hodge, *The Long Week-End: A Social History of Great Britain 1918-1939* (London 1985) p. 120

<sup>14</sup> Home Office Official to the Commissioner of Police for the Metropolis, 26th November 1924, NA HO 45/16205/472038

Publications Act or the Lord Chamberlain's powers.<sup>15</sup> But here he was clearly eager for action.

The police were also clearly eager to help him in his search for fresh legislation. In reply to Joynson-Hicks' request for information, the police sent an extremely long letter detailing their current operations on six nightclubs. One of them ("Moody's Club") was "at present thought to be well-conducted," but the others were subject to varying degrees of suspicion. One of the key difficulties for the police was outlined in the case of the "Lamb's Club," which had been disqualified from being a club for 6 months in January 1924, but had reopened. This was a recurring problem for both Joynson-Hicks and the police throughout the rest of the decade. But a far more immediate problem was drawn much more firmly to Joynson-Hicks's attention:

"The general difficulty the police have found in dealing with the above and many similar cases, is that although they have knowledge that the law (mostly relating to liquor) is being habitually broken, they cannot obtain evidence to bring it before a Court, or can only obtain it after prolonged and expensive enquiry, and long after the breaches have become notorious."<sup>16</sup>

The most serious difficulty the police had in this regard was that they needed a warrant to enter a nightclub, as it was officially either a private residence or a private club. They did not need a warrant to enter properly licensed premises, as these were officially public places (hence "public house"). However, the conundrum of how to allow police to enter a nightclub without a warrant while at the same time not giving them the absolute power to enter any house they entertained any suspicions of any kind of at the same time was an impressively knotty one. Although at a slightly later stage the *Evening News* carried an article suggesting that nightclubs were somehow to be brought within the remit of the

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<sup>15</sup> It should be noted that this may be partly because any attempt at fresh legislation might have led to these powers being lost altogether, as in the case of theatre censorship. See above pp. 93-4

<sup>16</sup> All the information in this paragraph, including the two direct quotes, is taken from the reply to Joynson-Hicks's request for information, dated "December 1924," Commissioner to Home Office, NA HO 45/16205/472038/2



Licensing Magistrates, giving the police the right to enter on suspicion without the need for material proof of wrongdoing that a warrant requires, nothing came of it (hardly surprising when one considers that a large part of the problem with nightclubs was that they were not licensed at all, never mind for after-hours). This was stumbling-block number one for Joynson-Hicks's campaign.<sup>17</sup>

Another problem lay in the definition of a nightclub itself. This was ultimately to wreck Joynson-Hicks' hopes of stronger legislation on the subject. In January of 1925 the Commissioner, William Horwood, wrote to Joynson-Hicks asking that the legislation demand precise information on the extent of a nightclub's premises. The fact that he underlined the word "precise" was of significance for another reason entirely, which we shall examine later.<sup>18</sup> But it was symptomatic of the fact that Joynson-Hicks's proposed legislation was already running into difficulties. On the 26th January 1925 Joynson-Hicks received a delegation from the London Public Morality Council on this subject, as recorded by *The Times* of the following day. He stressed that there was an acute difficulty finding a definition that would cover nightclubs (which the Bishop of London, leading the delegation, described as "haunts and hunting grounds of sharks and loose women, whose business consists of exploiting the follies and weaknesses of those who are induced to visit them")<sup>19</sup> while excluding ordinary clubs. He specifically mentioned that there was no difference in law between the nightclubs of Central London and the Carlton or (apparently even more seriously) working men's clubs, which were proliferating rapidly. Joynson-Hicks was especially anxious not to tread on the toes of the latter, giving as his reason, in a typically Joynson-Hicks-ish moment of candour, that approximately 2.2 million voters would be affronted by legislation that damaged working men's clubs. He did, however, put forward a definition of "nightclubs" that included "any club that was not habitually open before 6 o'clock in the evening, and any which habitually remained open after 1 o'clock in the morning."<sup>20</sup> He refused point-blank to reintroduce the restrictions of

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<sup>17</sup> "New War on Shady Night-Clubs," *Evening News*, 26th October 1925.

<sup>18</sup> Commissioner of the Police of the Metropolis (i.e. Horwood) to Home Office (undated but from its position in the file must be January) NA HO 45/16205/472038/6

<sup>19</sup> "Night Clubs. Deputation to Home Secretary," *The Times* 27th January 1925

<sup>20</sup> *ibid.*

DORA as they had existed before 1921, and he also announced that he wanted to find a way of excluding genuine dance clubs: “people were entitled to dance if they so desired. He was not going out on a crusade against enjoyment so long as it was properly conducted, and was not an offence to the conscience of the people of the country.”<sup>21</sup>

However fine all this may sound in theory, there were serious problems in practice, something that did not escape alert members of the PMC. Archibald Allen, writing to offer Joynson-Hicks a slightly different definition the following day, added that in the definition offered to the PMC the nightclub owners would “promptly open at 5 and serve a few chops or cups of tea to members so-called.”<sup>22</sup> As nightclub owners had been operating through the loopholes of the law for years, any definition would have to be quite spectacularly watertight to beat them. Joynson-Hicks never did find a satisfactory definition of a nightclub, and had to shelve his plans for new legislation. Henceforth, he was forced to operate his campaign as best he could under the amended form of DORA.

But, as Commissioner Horwood had pointed out, there was an extremely nasty shortcoming in the phrasing of this Act. Even in 1928, when the promised legislation had still not been forthcoming, there was trouble over a nightclub that had been raided and closed, with the premises disqualified. But unfortunately, the legislation meant that only the *precise* premises could be disqualified, that is, the actual rooms in which the nightclub had operated. In the same building, a new nightclub had just opened, under a different name, with identical rules to the banned club. It officially operated out of the billiards room, a room with a billiard table in it and no room for anything else. The police report somehow said it all:

“It seems obvious that Mrs. Merrick, anticipating another disqualification of the lower part of the premises, has again caused another club to be registered. [Sgd.] R Hannaford, S[oho] D[istrict] Inspector.

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<sup>21</sup> *ibid.*

<sup>22</sup> Archibald Allen to Joynson-Hicks, 27th January 1925, NA HO 45/16205/472038/10



“Submitted. There is no doubt that the Richmond Club is the property of Mrs. Merrick and that the premises have been registered as a club in anticipation of the Cecil Club being struck off the register on 22nd June...The facts of this case clearly proves [sic] that the law as it now stands with reference to the registration of Clubs, is a farce. [Sgd] MORTON.”<sup>23</sup>

While the nightclub owners could evade the law with such contemptuous ease, it was hardly surprising that this particular nightclub owner came to think “DORA was all humbug.”<sup>24</sup> And it is with this triumphal dismissal of the law, after the manner of Mr. Bumble’s famous outburst in *Oliver Twist*,<sup>25</sup> that Mrs. Kate Meyrick (usually called “Merrick” in official documents) the uncrowned queen of the London nightclubs throughout the 1920s, enters the story.

“Mrs Kate Meyrick,” wrote Blythe, “began her life as respectably as even Joynson-Hicks could have wished.”<sup>26</sup> She was in fact an Irishwoman, born and raised in Dublin, with a brief interlude as a small child as a vicar’s step-daughter in Lancashire. She obviously had a very high sense of her own importance: in her memoirs she claims personal acquaintance with “the late Duke of Devonshire”<sup>27</sup> as well as discussing how she was top of Ireland in four subjects in her school certificate, the first woman in Ireland to ride a bicycle and driving in the first motor car in Ireland, as well as being a good luck charm.<sup>28</sup> Finally she married a doctor, living with him, on and off, from 1903 to 1918. There is no direct evidence available as to why she left him (certainly she does

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<sup>23</sup> Report on Merrick’s Club, with note by Superintendent C. Morton of C District, 14th June 1928, NA HO 144/17667/471675/13

<sup>24</sup> Meyrick p. 23

<sup>25</sup> Mr Bumble declared that “the law is a ass – a idiot [sic]” Peter Fairclough (ed.) Charles Dickens, *Oliver Twist* (Penguin classics paperback edition London 1985) p. 461

<sup>26</sup> Blythe p. 35

<sup>27</sup> Meyrick p. 3. This allusion must have been rather confusing to her readers, because according to her chronology (she was born in 1875 and she states that she was a small child when she met “the late Duke,” whom she described as an old man in his seventies) the Duke of Devonshire in question must have been the Seventh Duke (1808-1891) but in 1932 most people would surely have regarded “the late Duke of Devonshire” as the former Lord Hartington, the Eighth Duke (1833-1908) leader of the Liberal Unionist party.

<sup>28</sup> *ibid.* p. 3: see also *ibid.* chapter 1 *passim* for biographical detail.



not say). However, in a court case in 1922 her counsel told Sir Chartres Biron that she had left her husband because of his cruelty.<sup>29</sup> In contradiction of that, eleven years later after she had died her husband told the *Daily Mail* that she had left him because she wanted more money and to be part of the excitement of London's nightlife.<sup>30</sup>

Whatever the reason for her separation, she found herself left with eight children to support and very little money. She elected to invest what little she had in the hospitality industry. By 1919 she was one of the partners in a dance club (not a nightclub *per se*) called "Dalton's." Although the police rapidly put it out of business, she opened a new nightclub called "Brett's." This she sold after a short while for £1,000, something she always regretted doing, and in 1921 opened a club at 43 Gerrard Street, Soho, named the "43." Although it underwent several changes of name in its life as a result of police action, being known as the "Cecil," the "Bunch of Keys," the "Richmond" and other names, she always referred to it as the "43" (itself a striking indication of the ineffectiveness of the law in shutting nightclubs) and for the sake of clarity, so shall I (except in direct quotes from official documents).<sup>31</sup>

She described her reasons for venturing money in nightclubs thus:

"London life in 1919, with everyone still trying to forget the war, was rapid, not to say hectic. Everyone seemed bent on pleasure only; the only problem was, how best to turn this to my legitimate advantage.

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<sup>29</sup> "'Forty-Three" Night Club. Woman Proprietor Fined £250," *The Times*, 28th February 1922

<sup>30</sup> "Mr Merrick Speaks: Husband Breaks Silence of Thirteen Years," *Daily Mail*, 25th January 1933. There is no way of being sure which explanation is the true one. Mrs Meyrick's is perhaps the more consistent with the facts publicly available. Certainly her husband's interview is no example of accuracy and truthfulness. His claim that the children did not help Mrs Meyrick run her nightclubs is total nonsense, and unless he was a complete fool (which, given that he was a highly successful doctor, seems unlikely) he must have known it. Equally, it was in Mrs Meyrick's interests to play up her financial needs to the judge in this particular case. But the one question over her version of events, why she did not try and get a divorce, might be explained by the fact that a court could have given her husband custody of the eight children on the grounds that their mother was a known criminal.

<sup>31</sup> See Meyrick, pp. 11-12 and pp. 23-26, and Blythe p. 36



I never was one to moralise; I cannot set up my outlook in those days as having been a symbol of “the liberty of the individual,” or anything of that lofty nature. I was a woman finding herself in the world with the business of bringing up a family. My mind was made up that somehow, no matter at what cost, I would render my eight children economically secure. And if it could be done by a means which would at the same time gratify my love for the bright side of life, why, so much the better.”<sup>32</sup>

This is a most interesting statement. It certainly is curious to note that one of the people who suffered most under Joynson-Hicks’s campaign was never very bothered about the principle of her actions. What mattered to her was money for her family, and the buzz of being at the centre of all the glamour of the nightclubs in the 1920s. This was something that Goldring lamented, writing of his disdain for the fact that she was no twentieth-century John Wilkes,<sup>33</sup> who should have run her nightclubs with “some worthier object than that of making money.”<sup>34</sup>

Goldring should not have deluded himself. All nightclubs existed to turn a profit, and many of them made extremely handsome profits. Meyrick gave a brief summary of her financial records in her memoirs:

“From the door money alone came approximately £100,000. Then the profits on drink and food were, of course, substantial. Champagne cost me an average of 12s 6d per bottle, and I estimate

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<sup>32</sup> Meyrick p. 13. She was specifically referring in this passage to “Dalton’s.”

<sup>33</sup> John Wilkes, 1725-1797, famous wit, radical politician, journalist and writer, who acted as a continual irritant to the governments of the late eighteenth century, especially in his publication of the *North Briton* (1762-63) an anti-government paper, and in his continual victories in Middlesex elections despite being officially barred from entering the House of Commons. Over the *North Briton* he obtained an important new legal freedom in the abolition of general warrants: henceforth, all warrants had to name the property or the persons concerned. See Peter D. G. Thomas, ‘Wilkes, John (1725–1797)’, *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, May 2006 [<http://www.oxforddnb.com/view/article/29410>, accessed 1 Oct 2006]

<sup>34</sup> Goldring p. 249.

that I sold £50,000 worth. During licensed hours I sold it for 22s 6d to 30s, and after legal hours at 30s to £2 per bottle. For beer I paid 4½d per bottle, and sold it for 8d during permitted hours and anything up to 1s 6d afterwards. The liquor to provide for an average week at the “Silver Slipper” used to cost me about £125, and that quantity I generally sold for about £375 or so...Nevertheless, as I have already emphasised, there was nothing extortionate about our prices. They were simply the rates which the public was prepared to pay for its amusement; indeed if anything they were a little on the low side.”<sup>35</sup>

It is hardly surprising, with numbers like this, that Meyrick put the total turnover of her clubs in the period 1919-1932 at somewhere near £500,000, a truly enormous sum for the inter-war period.<sup>36</sup> It is also hardly surprising, with prices levied at this rate, that only the very rich could afford to visit the West End nightclubs of the 1920s. A list of her more illustrious clients is provided by Graves and Hodge, and the list includes Joseph Conrad, Jimmy White,<sup>37</sup> the Crown Prince of Sweden and Prince Nicholas of Rumania.<sup>38</sup>

Such names could make the raids on nightclubs a very risky business for the police, who would potentially irritate or even arrest extremely influential people, and may be one reason why in 1924 most nightclub owners thought their position unassailable.<sup>39</sup> Certainly it would have caused considerable all-round embarrassment if “the famous and fashionable Kit-Kat Club” had been raided one night earlier and the Prince of Wales (the future King Edward VIII) had been caught there.<sup>40</sup> Even without the question of a royal clientele, the lists of nightclub revellers arrested in raids are strongly suggestive of wealth and high social standing. In October 1924 a raid on Meyrick’s 43 Club led to the arrest of thirty-three men and eight women. The roll of honour during one court

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<sup>35</sup> Meyrick p. 104

<sup>36</sup> *ibid.*

<sup>37</sup> A Lancashire millionaire, not the modern snooker player.

<sup>38</sup> Graves and Hodge p. 121

<sup>39</sup> Hannen Swaffer, “The Night Club Panic,” attributes the words “Oh, we’re safe...nothing can touch us,” to “the nightclub owners.”

<sup>40</sup> Graves and Hodge p. 120.



case reported in the *Daily Mail* ran to two Army officers, one lawyer, and an Oxford undergraduate.<sup>41</sup> In this era followers of an Oxford or Army career meant almost automatic entry into the ranks of the “gentry,” even assuming that they were not members of that class already. It is probably no coincidence that two of Meyrick’s daughters married into the peerage in her lifetime.<sup>42</sup>

But the penalties for transgressing the law, when caught, were steep. Most clients were let off with fines. The owners, particularly if they were persistent offenders, got more than that. Meyrick was three times given six months in prison, as well as substantial fines, for selling liquor without a licence.<sup>43</sup> For the majority of nightclub owners, the penalty was a great deal harsher. Many nightclub owners were French or Italian, and so were eligible, as aliens, for deportation. Joynson-Hicks was perfectly happy to use this as a weapon, although he was by no means alone in this. Commissioner Horwood once wrote to him in a fine temper:

“We shall...never put a stop to this sort of thing as long as the Magistrates and the London Sessions deal with the cases as they do now.

In this respect I would like to invite your attention to the case of the Movie Club, run by an utter blackguard of Dutch nationality named Van-der-Land. In this case the fines and costs were £15 and £10-10-0 respectively. He was making this profit in a day. Luckily the magistrate recommended deportation, and against this he has appealed to you – H. O. file 485881. This has been referred to me, and I am strongly recommending that you deport him forthwith.

This class of blackguard only fears two things:-

i) a whipping

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<sup>41</sup> “43 Club Raided,” *Daily Mail*, 21st October 1924

<sup>42</sup> See Richard Davenport-Hines, ‘Meyrick, Kate Evelyn (1875–1933)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004

[<http://www.oxforddnb.com/view/article/66827>, accessed 5 Oct 2006]. A third also married into the peerage after she died (Graves and Hodge p. 122)

<sup>43</sup> For the briefest account see Davenport-Hines (ODNB). The three sentences ran from November 1924 to April 1925; May to November 1928; and May to October 1931. She also served fifteen months for bribing a police officer in 1929-1930.

ii) deportation

As they cannot be given the first for this class of offence, the sooner England can get rid of them the better.”<sup>44</sup>

Such a ruthless attitude coloured thinking on the issue. Even Keith Middlemas and John Barnes, normally highly sympathetic to Conservative policy in the 1920s, denounced the attempt of Joynson-Hicks to defend his actions in this regard during the 1929 election campaign as “sheer folly,” saying that it had become “long a matter of distaste among his own party as well as the general public.”<sup>45</sup> But in the matter of deportations, he usually had the backing of the police, although he was not above telling them off when he saw fit. In 1928, following a successful raid on the Winter Gardens Club, the Italian proprietor was convicted, but it seems that the police had guaranteed that he would not be deported. Joynson-Hicks wrote, enraged, “I really cannot allow the ?Commissioner or his ?solicitor, to usurp my powers. Tell them in future not to make any ?bargain about deportation.”<sup>46</sup> Of course, they were not *his* powers: they belonged to the magistrates, then the courts, and only then to the Home Secretary. More correctly, Joynson-Hicks should have informed the police that they should not make plea bargains or usurp the ultimate power of the office of the Home Secretary, which is what they had actually (and wrongly) done.

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<sup>44</sup> Horwood to Joynson-Hicks, 18th November 1925, NA HO 45/16205/472038/54

<sup>45</sup> Keith Middlemas and John Barnes, *Baldwin: A Biography* (London 1969) p. 515

<sup>46</sup> HO 45/16205/472038/73. The question marks represent words where Joynson-Hicks’s declining quality of handwriting is almost indecipherable.



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Perhaps the strangest feature of this particular aspect of Joynson-Hicks's campaigns was, notwithstanding the unease felt in some quarters about the ruthless methods and harsh sentences utilised, how widely supported Joynson-Hicks actually was in taking on the nightclubs. Although Joynson-Hicks, as a Diehard Conservative, was something of a Liberal and Labour *bête noire*, he actually achieved quite a considerable measure of support from the Left for his efforts, and most of the attacks came from the Right. This can be seen especially in the press. At the time of Meyrick's conviction for bribing a police officer in 1929, the *Daily Mail* and the *Daily Express* wrote articles that played on the emotional content of her trial: the *Express* referred to her "weeping daughters,"<sup>47</sup> while the *Mail* referred obliquely to her connections through marriage with the wealthy and titled.<sup>48</sup> But the left-wing press was absolutely cutting about nightclubs in general and Meyrick in particular. The *Daily Herald*, indeed, penned venomous leaders in the authentic language of class war:

"These tedious night clubs...are neither halls of hilarious gaiety nor dens of glittering vice...[they are places that] fleece, on strict business lines those...who "have more money than sense."

So the fools flock to be bored, and to pay fantastic money for the high privilege...And then, because the dash of illegality must be provided to titillate the jaded appetite, comes all the elaborate play of spying and counter-spying, of bribery and counter-bribing. And so it goes on..."<sup>49</sup>

The *Daily Herald*, understandably, was in no hurry to show sympathy for wealthy hedonists. In the same article it denounced nightclubs as "symptoms of that same disease which is capitalism."<sup>50</sup> As long as it saw nightclubs in these terms, it would doubtless think it had far better grounds for criticising Joynson-Hicks (who, after all, had already said he had no intention of persecuting the

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<sup>47</sup> *Daily Express*, 23rd June 1928 (This and all subsequent news stories on the Goddard case (i.e. 23rd June 1928 and 30th January 1929) are preserved as cuttings in NA HO 144/17667/471675/12)

<sup>48</sup> *Daily Mail*, 23rd June 1928

<sup>49</sup> "Goddard: and others," *Daily Herald*, 31st January 1929

<sup>50</sup> *ibid.*



working men's clubs with whom the *Daily Herald* would have felt some sympathy) than his attacks on a class that they would have liked to have seen treated far more punitively.

While the *Daily Herald* represented the London left, the grand old trooper of the provincial left took a slightly different line. The *Manchester Guardian* had its own strong opinions on the subject of nightclubs, by no means sympathetic to the owners. In a thunderous leader after Goddard's conviction, it denounced nightclubs in the language, not of class war, but of regional war. It is a remarkable article, and deserves quoting at length:

"The Goddard case is not flattering to England – or perhaps we should say to London...The case has thrown a remarkable and a somewhat garish light on the way in which a number of our gilded youth – and their gilded elders – spend, or rather waste, their time. Mrs. Meyrick's clubs will provide a text for the oratory of the street corner and a good many other places for many a long day; the "idle rich" were never seen to less advantage. Here are people who must dance and drink at all hours and at all costs – at the cost of ten pounds or so for a bottle of champagne, as well as the cost of breaking the law; a society so bored with everyday life that it must attempt to introduce into England a type of enjoyment which is supposed to be "Parisian," but which seems to most intelligent persons to be merely stupid and dreary. Of course, a policy of suppression is of no use. History is conclusive on that point; you cannot stop foolish people from wasting their lives, their money and money which is not theirs. If you were to suppress such night clubs you would by that same act invent some alternative futility. But, though it is not the Government's business to supervise our morals, it is its business to see that the law is obeyed. And here Sir William Joynson-Hicks has done no more than his duty, but he has done it where others have not been so ready to do theirs, and he has taught London that breaches of the law are no more to be tolerated there than they are in Manchester or Liverpool. London, for some unexplained reason, already has an hour longer to drink in than other

places, and it needs no further latitude. The Goddard case has not only exposed corruption in the police force; it has exposed lawlessness among a considerable number of men and women who deserve no particular consideration from society. If a single act of corruption in the police force is disquieting, so is a group of people who have no respect for the law. And the law should be no more lenient to the one than to the other.”<sup>51</sup>

This is a most remarkable polemic. This was the newspaper that had in the past been so very critical of Joynson-Hicks, when he was Winston Churchill’s flamboyant and controversial conqueror in Manchester North-West in 1908. It also shows remarkable tangles of logic that the writer got into over whether or not Joynson-Hicks was right. The proliferation of the minor errors show how far rumours of the iniquities and profiteering of nightclubs had spread among classes that clearly deeply loathed them. It is also of significance that nightclubs are seen as a *London* problem. The *Manchester Guardian* clearly felt that they were an aberration on the part of decadent southerners, and not institutions that it was inclined to defend in any way whatsoever.

Of course, the *Manchester Guardian*, as a Liberal paper, might be expected to pour scorn on drinking as a social evil in a throwback to the Nonconformist temperance movements of the 19th century. It is also extremely easy to discern, in this article, the difficulties of a divided and exhausted political philosophy lacking clear direction. The writer considered that “it is not the Government’s business to supervise our morals,” but in enforcing laws unquestionably designed to do just that, “Sir William Joynson-Hicks has done no more than his duty,” which must have confused any alert readers. It is also significant that the *Daily Chronicle*, in what was to prove its final year as an independent newspaper before merging with the *Daily News* to form the *News Chronicle*, was distinctly unsympathetic towards Mrs. Meyrick, referring to her as “a hardened offender.”<sup>52</sup>

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<sup>51</sup> “Bribery and Corruption,” *The Manchester Guardian*, 30th January 1929 (cutting in NA HO 144/17667/471675/12)

<sup>52</sup> “Guilty,” *Daily Chronicle*, 30th January 1929.



Joynson-Hicks was therefore not without support in those political classes which normally reviled him as a Diehard Conservative. But, more seriously for him, he was not universally supported in his natural constituency of the Tory right. This is perhaps less surprising than it may seem at first sight. If, as the evidence suggests and indeed logic dictates, nightclubs were a class issue, the rich would be firmly on the side of the night clubbers, who were almost invariably drawn from their class. One of the earliest attacks (and, the evidence suggests, one of the most irritating to Joynson-Hicks) came in the *Daily Express*, a paper not noted for its antipathy to the Diehard cause. In a great outburst on the behalf of night clubbers, Michael Walsingham declaimed on behalf of the voters of Epsom:

“Their idea [Conservative voters in 1924] was that the Socialists and Revolutionaries were to be “outed [sic: ousted?];” that a man was to be allowed to manage his own business, and that in spite of restrictions some kind of life and liberty was to be allowed to the subjects of His Majesty the King. The idea was, in other words, that quiescence and “lakes of ale” were to reign once more as in the days of the good old Lord Salisbury.

Sir William Joynson-Hicks, by disturbing these ideal dreams so rudely, has stirred to considerable resentment in the kind of constituency for which I speak. I do not suppose that one voter in a thousand has ever been into a night club or is ever likely to go to one. If any lamb did so stray he would probably be greatly embarrassed by the circumstances in which he found himself. Yet the undercurrent of sentiment is dead against the attack on night clubs. One man said to me the other day, “Well, Lloyd George took off half the war time restrictions – and Ramsay MacDonald never interfered one way or the other. It’s odd to find a Conservative government interfering with people’s amusements.

The Home Secretary is making the government profoundly unpopular among its own supporters throughout the home counties, not because they want to go to night clubs, but because they object to Puritanism and police...unless the Prime Minister can check the

strange exuberances of his subordinates, there will be a long list of Conservative casualties in this neighbourhood at the next General Election.”<sup>53</sup>

Of course, Joynson-Hicks was not going to let an article like that have the last word over him. In the margin of the paper backing to this press cutting, he added in pencil, “Keep this with night club file and ask police to find out who and what Mr. Michael Walsingham is. WJH 28/2/25.”<sup>54</sup> But it is not difficult to imagine that the pursuit of nightclubs would be less popular among the wealthy whose fellows and social equals patronised them than among those without the money who could look disdainfully at the waste and emptiness of the nightclub trade. Looked at purely as a class issue, nightclubbers had a lot more in common with the stockbroker belt of Surrey than the unemployed cotton workers of Lancashire. To take a Marxist analysis to a logical conclusion, the Epsom voters would show solidarity with their own class, particularly at a time when it seemed threatened by, *inter alia*, the Russian Revolution, a much more militant workforce (whose militancy was to culminate in the botched General Strike a mere sixteen months after Walsingham was writing). The Mancunians had no such motive to support the hedonists.

But – and a crucial but – Walsingham and the *Express* did not speak for all the newspapers or their commentators, even before the revelations of Meyrick’s further criminality. There were vocal critics of nightclubs in the press in 1925 as well, although even here a certain left-wing bias was discernible. For instance, Joynson-Hicks wrote nothing in the margins of an article by Hannen Swaffer for *The People*, written about two weeks before Walsingham’s contribution to the *Express*. This is also worth quoting at considerable length:

“It is just three years ago that I started to expose London’s great night club scandal, the method in which openly and brazenly a ring of men, aliens, most of them, were selling drink all night in defiance of the law, not only in underground hovels in obscure streets, but

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<sup>53</sup> Michael Walsingham, “Puritanism and the Police,” *Daily Express*, 26th February 1925, cutting in NA HO 45/16205/472038/15a

<sup>54</sup> *ibid.*



also right under the eyes of the police in some of the most prominent thoroughfares of the Metropolis...A few days after my first article was printed, I received an intimation that I had "better be careful." I repeated my denunciation, and indeed, at odd times, I have done it ever since. I have been threatened ever since, and so have members of my staff; you get used to threats in journalism...

When I first called the attention of Mr. Arthur Henderson, the Socialist Home Secretary, to the case of Victor's, which had rich and powerful friends, no notice was taken of any kind. It was when Sir William Joynson-Hicks came into office that I knew the time had come; for everyone recognised him to be a man who would not be thwarted by evasion, and who would act, in spite of stupidity elsewhere, and who would have his own way.

It must be realised that Sir William belongs to the great body of middle-class Evangelicals who, largely, are the backbone of this country. They have been behind most of the big moral causes which have swept the nation for centuries. They fought slavery and other horrors; and, usually, they have won.

It may seem a small thing, but if you have, right in the centre of London, open breaches of the law, known to everybody, how can you expect anyone in the country to take the slightest notice of the law or to have any respect for it?

That is the trouble with the drink iniquity, which has followed so-called prohibition in the States. The law has become a thing to be jeered at, and when you make the law ridiculous you are destroying one of the bulwarks of your constitution...

If the authorities think that, when the Savoy Hotel is stopped from selling drink after eleven, except with meals, it is necessary that very thirsty people should be allowed to obtain it elsewhere, the proper course would be, in these days of overwhelming taxation, to put these bogus clubs on a proper footing and to tax them, just the same as all respectable licensed places are taxed. It would be a source of revenue that we might all appreciate.

But that it is possible, openly, in the centre of London, for men who pay nothing whatsoever in the way of taxation to ignore the licensing magistrates is a crying scandal to which...I take the strongest possible objection...The bogus night club is a pest house that should be shut. It is a centre for the spreading of disease. It is a place where crooks mix up with the foolish. It is certainly not the sort of freedom for which nearly a million British soldiers died, but a hovel of unbridled license, a scandal that cries aloud to high Heaven and a perpetual shame, a mockery, a crime.”<sup>55</sup>

Although, like the *Manchester Guardian*, the polemical style did rather tie the author up in knots in places (did he really, as he implied, think that the sole problem with night clubs was that they paid no tax?) Swaffer’s position on nightclubs is eerily similar to that of Joynson-Hicks. The ingredients were all there: the determination not to tar “clubs” and “night clubs” with the same brush; the fearsome rhetoric denouncing them as haunts of iniquity; the almost sadistic pleasure in the thought of night clubs being emptied by the pressure of the police (something that is even more apparent in the full article); and the assertion that he has no objection to dance clubs, restaurants or properly licensed premises; only nightclubs. Yet Hannen Swaffer was not really very like Joynson-Hicks. He was an ardent Socialist, an editor of the *Daily Herald* (another newspaper with anti-night-club leanings) from 1931 and later, a spiritualist.<sup>56</sup> Clearly, this was an issue that cut across normal Diehard/Liberal divides.

How typical Joynson-Hicks’ own attitude was on the Right it is almost impossible to judge. Certainly it was not universal. Joynson-Hicks was never openly censured by Baldwin – himself, let it not be forgotten, a deeply religious man with High Church leanings – but one leading figure in the Conservative party, Sir Robert Horne, was a legendary London socialite. A bachelor whose manner was free with the ladies, and a frequenter of nightclubs, Horne had risen

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<sup>55</sup> Hannen Swaffer, op. cit.

<sup>56</sup> Linton Andrews, ‘Swaffer, Hannen (1879–1962)’, rev., *Oxford Dictionary of National Biography*, Oxford University Press, 2004  
[<http://www.oxforddnb.com/view/article/36379>, accessed 11 Aug 2008]



to be Chancellor of the Exchequer in the final months of Lloyd George's premiership, but resigned with Austin Chamberlain, and never held office again. It is widely thought that his private life led to Baldwin's offering him the junior post of Minister of Labour in 1924, something he was always bound to decline, and there has never been any secret of the fact that Baldwin described Horne as "that rare thing: a Scots cad."<sup>57</sup> If Horne had truly lost his position of power and influence in the Conservative party – a party whose leadership he must have been a serious contender for had he remained active in politics – through his decision to haunt nightclubs, then that is perhaps the most illuminating aspect of the Right's problems on the subject, which may be summed up in one word - divided.<sup>58</sup>

Swaffer also goes some way towards raising a more general point, one that Ronald Blythe made great play of:

"Like all little tyrants, Joynson-Hicks had to justify his ruthlessness by a colourfully exaggerated denunciation of the evil he intended to crush. A reasonable man would have seen that night-clubs were rather shame-faced versions of ordinary café and revue-bar life such as could be found in any major continental city, and in most instances the haunts of people who merely didn't happen to want to go to bed early. Joynson-Hicks's preoccupation with them gave them a reputation for orgiastic activities and the raids made headlines in the Sunday newspapers. The smuttiness of the latter at this time always amazed foreign visitors. Nearly all the raids concerned drinking out of hours, that strange sin whose enormity is only

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<sup>57</sup> Middlemas and Barnes p. 282

<sup>58</sup> Philip Williamson, 'Horne, Robert Stevenson, Viscount Horne of Slamannan (1871–1940)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, May 2006

[<http://www.oxforddnb.com/view/article/33991>, accessed 9 Oct 2006]; cf. Blake p. 215 "But for Bonar Law's premature resignation he (Baldwin) would never have leapfrogged his way into 10 Downing Street, over such figures as Austen Chamberlain, Birkenhead and Sir Robert Horne," and p. 226 "The only one (of the coalitionists) he (Baldwin) did not want was Horne, a hunter of night clubs."

exceeded by paederasty [sexual activity between a man and a boy] in Anglo-Saxon countries.”<sup>59</sup>

Whether Joynson-Hicks did in fact exaggerate the seriousness of the problem with nightclubs is an important issue. Most useful here is a private note that he sent to Commissioner Horwood, after Kate Meyrick had escaped being raided for more than three years:

“Last night I again saw my friend in the other House who brought the matter to my notice. He informed me that up-to-date it is a place of the most intense mischief and immorality, even go to the extent of doped women and drunken men.

I want you please to put this matter in the hands of your most experienced men and whatever the cost will be, find out the truth about this club and if it is as bad as I am informed prosecute it with the utmost rigour of the law.”<sup>60</sup>

There are a number of self-evident points here. One, Joynson-Hicks was not claiming *himself* that the “43” was a den of iniquity. He was claiming that it was a member of “the other House,” which is suggestive of the old-boy network in two ways: one, the way it arrived at Joynson-Hicks and two, that it had got round among members of the upper classes who were the major patrons of the night clubs. Two, Joynson-Hicks certainly *was* claiming that the “43” was a major haven of vice and iniquity. Leaving aside the “drunken men,” which any reasonable person will concede is the likely outcome of mixing heavy drinkers with alcohol, let us concentrate on the “doped women.”

There are three possible explanations. First, Joynson-Hicks (or his conveniently unidentified friend in the Lords) could have been lying. That is certainly not inconceivable, and certainly seems to be what Blythe believed. Joynson-Hicks must have been desperate for a pretext to break this club, and above all to wean the Commissioner away from the Soho District police who

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<sup>59</sup> Blythe p. 35

<sup>60</sup> Joynson-Hicks to Commissioner, 3rd March 1928, NA HO 144/17667/471675/9



had proven so mysteriously ineffective in this case.<sup>61</sup> However, Joynson-Hicks was an active Christian, and while, like all good politicians, he was willing to lie to the House of Commons when occasion demanded (as we shall see shortly)<sup>62</sup> it would be rather surprising and as far as can be judged, unusual for him to lie elsewhere. Throughout his life, Joynson-Hicks's problem was generally not that he lied, but that he spoke rather too much of the truth in far too blunt a fashion. Second, Joynson-Hicks may have been right, and Meyrick may have supplied drugs to her customers. That is also not inconceivable. However, it must be noted that Meyrick, herself a qualified medic, harshly criticised drug peddlers in her memoirs as "loathsome" (despite her friendship with the biggest of them, "Brilliant Chang") ejected peddlers from her premises, and strenuously denied ever supplying drugs herself to her customers.<sup>63</sup> It is also very important to remember that the police never charged her with sale or possession of illegal drugs, which they would have done like a shot if possible. On the whole I am inclined to reject both these explanations as improbable, although on such evidence as we have they are tenable.

There are two much more likely explanations, however. The "drugged women" may have bought the drugs elsewhere and either taken them earlier (and thus been doped at the club) or taken them at the club (which would have had the same effect). This is a perfectly reasonable explanation. The nightclub users would indeed be the most likely consumers of illegal drugs in the 1920s, as the ravers of the 1960s and 1970s would be for that era. Such an overlap of pleasures would, indeed, be more likely than not on a night out. And, of course, it would only take one drug addict to spark rumours of "doped women" on the societal grapevine. This is surely more likely on the evidence than suspecting Joynson-Hicks or Meyrick of outright deception.

But the explanation I am personally most inclined to is this. Meyrick did not dispute that in the early days of the "43" after 1921 she had difficulty with drugs, which she believed came from Brilliant Chang. Her story is that he would

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<sup>61</sup> See reports of Sgt. Goddard, dismissing rumours of breaches of the law at the "43, 27th February 1928:" see also Horwood's puzzled and suspicious commentary on it in a letter to Joynson-Hicks, 5th March 1928 (replying to the quoted note) in NA HO 144/17667/471675/9

<sup>62</sup> See below pp. 209-210

<sup>63</sup> Meyrick p. 41

invite girls from the “43” round to his own place, and when they came back “they showed signs of queer nervous excitement.” This problem, Meyrick claimed, became worse after Brilliant Chang opened a “restaurant” opposite the “43” in Gerrard Street.<sup>64</sup>

Meyrick offered no date for the cessation of this problem, and it is possible that it continued up until 1928, which would explain Joynson-Hicks’s note entirely. However, even assuming that it stopped in about 1925 or 1926, legends die hard. It would only take a slightly garbled account of its iniquities past and present to reach Joynson-Hicks’s noble friend, and he might, in all innocence, repeat old news to Joynson-Hicks as the latest offerings. This is such a frequent and likely thing to happen in gossip that I am strongly inclined to pick this as the correct explanation for the allegations in the letter. So, was Blythe right to accuse Joynson-Hicks of exaggerating the evils of nightclubs? In this case, it seems not. The worst that might be said is that Joynson-Hicks was overly credulous. It is clear from the tone of the letter he sent to Horwood that Joynson-Hicks was losing patience: his nightclub crusade seemed to be fizzling out, and he was, in effect and with whatever qualification he chose to put on it, demanding action from the police.

The reason for the fizzling out of Joynson-Hicks’s crusade became all too horribly obvious when, after much prevarication and constant pricking by anonymous letter writers, the Metropolitan Police arrested Goddard, the sergeant who sent in such innocuous reports of Mrs Meyrick’s ventures and who, somehow, lived very graciously on £6 per week, owning the freehold of a house (unusual in the interwar period when the overwhelming majority of people lived in rented housing)<sup>65</sup> a private car, and safe deposits containing over £12,000 in cash. At his trial, Goddard claimed that he afforded all of this through thrift. One is inclined to wonder whether this is where Blake Edwards got the inspiration for Inspector Clouseau’s immortal line in *The Pink Panther*, “Sir, my wife is very careful, she saves out of the ’ousekeeping.” In fact, there is no possible doubt that Goddard had been milking the nightclub owners of Soho

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<sup>64</sup> *ibid.* p. 41

<sup>65</sup> John Stevenson, *The Penguin Social History of Britain: British Society 1914-1945* (paperback London 1990) p. 228



for protection money.<sup>66</sup> He and two nightclub owners, Meyrick and a foreign nightclub owner named Rubuffi, were given stern prison sentences.

Catastrophic as this was for the Metropolitan police, in light of the ensuing scandal, it did highlight one of the worst dangers of Joynson-Hicks's approach, namely that he was putting the police under immense pressure. In launching fearsome attacks on these nightclubs he was inviting them to come to an "understanding" with the police. And once the police and nightclub owners had an "understanding," the police were on the spot. If they reported any misdemeanours or breaches of the law, they were practically inviting nightclub owners to blow the whistle on their corruption. While Meyrick may well have been exaggerating for her own ends in her memoirs when she claimed that the police "do not really sympathise with the ridiculous restrictions they are supposed to enforce,"<sup>67</sup> it is surely true that making men on very low pay enforce the law on wealthy and powerful people in a rigorous and professional way was asking a lot. As the *Manchester Guardian* shrewdly pointed out, a man who could be made rich and comfortable for life as a reward for his silence would need to have a high personal standard of honesty and be remarkably well imbued in the "tradition of the force" to avoid at least the occasional lapse.<sup>68</sup> Here, such an ethos was clearly lacking.

Horwood retired as Commissioner in 1928,<sup>69</sup> and was replaced by Lord Byng of Vimy, a war hero who had been hugely popular with the corps he had commanded. With a reputation as a brilliant soldier and a long and successful public career as Governor-General of Canada already behind him, Byng had nothing to prove; so little that he was reluctant to take on a poisoned chalice, and had to be practically bullied into accepting the Commissionership. As Commissioner he proved a desperately needed breath of fresh air: so good that the Labour party, who were initially horrified at his appointment, refused to let him resign when they took power a year later. A list of his achievements in the Oxford Dictionary of National Biography is impressive:

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<sup>66</sup> For a superb brief account of this episode, see James Morton, *Bent Coppers: A survey of police corruption* (London 1993) pp. 76-81

<sup>67</sup> Meyrick p. 20

<sup>68</sup> "Bribery and Corruption," *Manchester Guardian* op. cit.

<sup>69</sup> Or was retired: although he retired aged 60 on grounds of age, his successor was older and not in good health.

“He retired inefficient senior officers, tightened up discipline, instituted a system of promotion based on merit, and reorganized the structure of the force to correspond with the distribution of London's population. He reorganized the system of patrolling, abolishing the regular schedules of policemen's beats to which criminals became accustomed. He instituted police telephone boxes, greatly extended the use of police cars, and established a central information room to control them by radio. Yet his reforms were not resented in the force, over which he established as strong a hold as he had done over every other body of men he had commanded.”<sup>70</sup>

Perhaps the appointment of Byng was the shrewdest move Joynson-Hicks could have made in the fight against nightclubs, now not only a nuisance, but a profound embarrassment. For Byng, in his two years as Commissioner, took on nightclubs with a ruthlessness that made Joynson-Hicks's performance look mild by comparison. By 1931 he felt able to boast that London nightlife was dead.<sup>71</sup> Mrs. Meyrick especially felt the pinch. Bereft of Goddard's protection, in 1932 she was forced by repeated raids and fines to give an “honourable undertaking” that she would in future respect the law. By that time, however, she had as good as won; Byng and Horwood had both left office, and the following month Joynson-Hicks died. Meanwhile the “43” continued, albeit faded and quieted, until Meyrick died herself in 1933. Although worth considerably more than the £58 often erroneously cited by certain authors,<sup>72</sup> she was not rich.

In any piece of historical writing it is necessary to make judgments. In our own time we have seen how thorny an issue the extension of drinking hours

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<sup>70</sup> Cyril Falls, ‘Byng, Julian Hedworth George, Viscount Byng of Vimy (1862–1935)’, rev. Jeffery Williams, *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/32227>, accessed 10 Oct 2006]

<sup>71</sup> Graves and Hodge pp. 120-121

<sup>72</sup> Blythe p. 40, Introduction to Meyrick page xii: the actual figure was £771 8s 6d (ODNB op. cit. accessed 10th October 2006)



can be. How much more thorny can restrictions themselves have been in the 1920s when the whole concept of “opening hours” was comparatively new?

First of all, it is worth saying that there was nothing particularly terrible about nightclubs from the angle at which they were attacked. Although at the time the Licensing Act of 1921 may have been a welcome relaxation from the high point of DORA,<sup>73</sup> it was still restrictive and it was really only to be expected that there would be people, especially wealthy people, who would seek ways around it. The worst that might be said of this (and it was said many times and in many ways)<sup>74</sup> was that this was unfair to all legal clubs, pubs and restaurants, that it was scandalous that the nightclubs evaded tax, and that it was an alarming thought that they could not be inspected for fire safety precautions. But fairness has never really been a concept of the law; tax fiddling probably happened more in the interwar period, when high taxes were a new, unexpected and unwelcome legacy of the First World War, than at any time before or since; and it is hard to believe that in a club where no serious accident ever occurred, anyone was unduly bothered by the thought that fire regulations were being ignored.

Joynson-Hicks’ personal Puritanism, something Ronald Blythe made great play of, was therefore regarded as more important a factor than the law in the crackdown on nightclubs.<sup>75</sup> The fact that Joynson-Hicks had, by 1929, been a temperance activist for fifty years meant that it was indeed unlikely he would look kindly on excessive drinking.<sup>76</sup>

It is quite clear that Joynson-Hicks was, however, not merely desperate to actually *do* something about nightclubs but wanted to be *seen* to be doing something about them. So much so that he was prepared to take the risk of, if not exactly lying to the House of Commons, at least giving it a seriously misleading impression. In a debate of the 24th of November 1927 he asserted that while he had wanted more powers to deal with nightclubs, he and the police were doing perfectly well with the powers that they already had. Joynson-Hicks had certainly proven a serious nuisance to nightclubs. Over the twelve months

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<sup>73</sup> Graves and Hodge p. 119

<sup>74</sup> Most volubly by Swaffer: see above pp. 188-190.

<sup>75</sup> Implied as well in Middlemas and Barnes p. 283

<sup>76</sup> Blythe p. 22: Joynson-Hicks signed the pledge aged 14 and kept it throughout his life.



before his remarks 35 nightclubs in London had closed, 22 as a result of police action. But only the day before, Horwood, in writing to give Joynson-Hicks these statistics that were used in this debate, had added at the bottom of his letter, "The police certainly do not have sufficient powers to deal satisfactorily with this problem."<sup>77</sup> Joynson-Hicks therefore knew that, even if in his opinion the powers of the police were adequate, it was not an opinion shared by the Commissioner. To that extent he seriously deceived Parliament. However, in fairness to Joynson-Hicks, the main reason why the police were having difficulty at this time was probably because of Goddard's activities, for which DORA can hardly be directly blamed.

But what should not be forgotten, and what very few even of Joynson-Hicks's opponents did forget, is that nightclubs *were* a serious social problem. When in the early 1930s the nightclubs, desperate to escape the attentions of the Metropolitan police, moved out to the Home Counties, the complaints about noise pollution, incidences of drunken driving (and therefore road accidents) and petty vandalism in Maidenhead and Taplow soared. Two nasty incidents, both causing deaths, are on file as newspaper clippings. In neither case was forensic science sufficiently advanced to overturn testimony to the contrary, but it is suggestive that in one case a driver who had killed a cyclist had just left a nightclub when the accident happened. The driver's evidence was that he had been doing forty miles per hour and the cyclist had swerved in front of him. The forensic evidence suggested the cyclist had been hit directly from behind and dragged for 120 yards, which would require a speed of about sixty miles per hour. The jury acquitted the driver, but there seems to have been little sympathy for him.<sup>78</sup>

The real problem for nightclubs was that, if they were not quite as problematic as painted by their most virulent detractors, they were almost devoid of genuine supporters outside their users and owners. The Labour left regarded them as the haunt of "toffs" and other undesirables, an attitude so admirably captured by the *Daily Herald*. The Liberal Party had for years been

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<sup>77</sup> Cutting of Hansard *Parliamentary Debates*, 24th November 1927, and letter from Horwood to Home Secretary, 23rd November 1927, NA MEPO 3/2969/115/1622

<sup>78</sup> "A Prolonged Inquest," *The Windsor, Slough and Eton Express*, 29th June 1934, page 4 (cutting in NA HO 45/16205/472038/96)



the party of Nonconformity and temperance, not always in that order, and could not in all honesty oppose Joynson-Hicks's campaign, no matter how many reservations they might have about his methods. The Labour party had a deep-seated suspicion of alcohol, founded in no small part upon the financial power of the drink industry, but also, in the case of the most ardent Socialists, upon a belief that drinking was an "irrational" pastime that was hindering the development of a Socialist state – leading to a particularly militant temperance movement in Scotland.<sup>79</sup> The Conservative party and its press supporters were split on the issue. Even Ronald Blythe said of Joynson-Hicks's campaign against nightclubs, "This, on the whole, was all right."<sup>80</sup> While Joynson-Hicks may have seemed sanctimonious, hypocritical and unnecessarily harsh in his pursuit of the nightclub owners, few seem to have been able to really feel sympathy for those people who almost invariably asked for what he handed out.

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<sup>79</sup> Stephen G. Jones, "Labour, Society and the Drink Question in Britain, 1918-1939" *The Historical Journal* 30:1 (1987) pp. 105-122, provides a fascinating study of the relationship of Labour and drink.

<sup>80</sup> Blythe p. 35

## 7) “The Loathsome Trade:” Drugs and the Drug Trade in the 1920s.

“One night I caught a dope peddler plying his loathsome trade inside the “43”. No sooner has I realised his game than I quietly called the attendants and had him flung into the street. He never came again. I have every reason to believe that he came from Brilliant Chang.”

Kate Evelyn Meyrick.<sup>1</sup>

So far all the areas that this thesis has covered are areas in which Joynson-Hicks showed an interest. He wrote to the Lord Chamberlain suggesting an alteration in the system of censorship, he wrote the fateful sentence condemning *The Well of Loneliness* to suppression, he made notes on the system of film censorship, and he frequently expressed very decided opinions on the subjects of nightclubs to his officials and to the public at large. If the evidence stopped at this, it would be reasonable to conclude simply that he was a highly conscientious Home Secretary who shifted rather more work than the average incumbent of that office, rather than one who took a very decided personal interest in certain areas as the result of his personal beliefs.

However, we now come to a strange, twilit zone of law enforcement that, like film censorship and nightclub raiding, was largely new in its conception, and yet in which Joynson-Hicks took no discernable interest. In 1924 the Dangerous Drugs Act, the basis of all modern law enforcement on the issue, was only four years old (although the framework within which it operated, like the laws on extended drinking hours, dated back to DORA and the First World War) but there is no real suggestion, not even by Ronald Blythe, that Joynson-Hicks had anything to do with its policing in the 1920s, despite several well-publicised mistakes caused by heavy-handed enforcement of the rules.

This may partly be because the area is much less controversial. Many people would not accept that alcohol is a dangerous drug, but few would argue

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<sup>1</sup> In *Secrets of the 43* (second edition Dublin 1994) p. 41.



with a claim that opiates or cocaine (the main drugs covered by the Act) have inherent dangers. Although the legislation covering them was recent, concerns about the impact of their use and the risk of addiction had led to restrictions being imposed upon their sale and use as far back as 1868. In addition, the drugs trade itself had long been the source of considerable controversy as one of the more unpleasant aspects of the Indian Empire and the wars against China (referred to as the "Opium Wars"). It even had a substantial international dimension: the United States intervened in a bid to break the British monopoly over Chinese trade that opium had established and finally, prior to the First World War, laid down foundations upon which drugs regulations (including the Dangerous Drugs Act) could be built.

The period immediately following the war was therefore important insofar as it established a basic policy towards drugs that it was a criminal matter not a medical one, which has proven extremely controversial, and is an issue that has bedevilled the question of drug regulation right down to the present day. But at no time did Joynson-Hicks, or any other Home Secretary so far as can be judged, take an active interest in the subject. It was comfortably thrashed out by fairly junior Civil Servants at the Home Office and the Ministry of Health, who have mostly remained anonymous. That does not, however, make it the less significant or needful of inclusion in this study in order to take a complete view of moral policy in the 1920s.

In the 1920s the concept of "dangerous drugs" was still in its infancy. During the nineteenth century, indeed, it had been considered perfectly acceptable to take drugs, as evidenced by the fact that William Wilberforce, Edward Williams (Iolo Morganwg) Samuel Taylor Coleridge, and (in fiction) Sherlock Holmes were all known drug users, something which nobody seemed to find particularly shocking.<sup>2</sup> However, by the 1860s there was disquiet at the potential dangers of overuse of opium and cocaine, which led, in turn, to the 1868 Pharmacy Act. Virginia Berridge asserts that this was partly a class action.

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<sup>2</sup> Sherlock Holmes was lectured on his drug use by Dr. Watson in *The Sign of Four* (1889). By far the most detailed study of drug habits in the nineteenth century (although concentrating heavily upon opium) is Virginia Berridge's *Opium and the People: Opiate use and drug control policy in nineteenth and early twentieth century England* (revised (third?) edition London 1999).



Her argument runs that, prior to 1868, opium use had been a middle-class pursuit, but that by 1868 opium abuse had spread to the lower classes, resulting in a loss of its attraction to the middle classes and concerns about racial decline. With the politically organised and economically important middle classes less interested in drugs, a measure of regulation could be introduced by professional bodies, especially the Pharmaceutical Society (founded 1841) and the medical profession (newly organised into the General Medical Council).<sup>3</sup> However, regulation rather than suppression was the aim of the 1868 act, for two very good reasons. The first was that, whatever their inherent dangers, opium, cocaine and cannabis continued to have medicinal uses, especially as painkillers. No reasonable alternative drugs presented themselves until the advancement of science in the later twentieth century. This dichotomy, between danger and usefulness, lies at the heart of the difficulties of drug policy in the 1920s, and led to some bizarre situations; for instance, there were active efforts on the part of the British government to suppress the cocaine trade while at the same time they were busily attempting to nurse an infant domestic cocaine production company to full economic competitiveness by means of tariff and non-tariff barriers.

The second reason was morally rather more problematic, but financially compelling. In the nineteenth century, there were strong economic reasons for a substantial drugs trade. Much of the British empire in the Far East, particularly its penetration into China, was linked with the opium trade. Indeed, Carl Trocki has gone so far as to claim that the British Empire in India at one time owed practically its entire existence to opium.<sup>4</sup> While this may be something of an exaggeration (and has not escaped criticism for the sources it used and the way in which they were used) it is certainly true that much British wealth (not least, the port of Hong Kong) was built at least partly upon the opium trade.<sup>5</sup> There is

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<sup>3</sup> *ibid.* chapters 9 and 10, especially pp. 97, 99-100, 105, 114, 117.

<sup>4</sup> Carl A. Trocki, *Opium, Empire and the Global Political Economy: A study of the Asian opium trade 1750-1950* (London 1999).

<sup>5</sup> See, for instance, Bill Sewell, "Review (of *Opium, Empire and the Global Political Economy*)" *Pacific Affairs* 74: 4 (Winter 2001-2002) (Vancouver 2001) pp. 598-99, who comments that a lack of Indian or Chinese sources means that some arguments are insufficiently followed through: or for a more thorough and far more critical dissection, see Alexander Klimburg, "Some Research Notes on Carl A. Trocki's Publication 'Opium, Empire and the Global



also a compelling logic to Trocki's claim that the decline of Chinese power in the nineteenth century may be linked to substantial opium use among its population, and there can be no doubt that the primary reason for the "Opium Wars" of the 1840s was to prevent the Chinese government from cracking down upon the opium trade. These wars not only established the opium trade upon a firm, quasi-official footing, but also opened up China to British economic and military incursion and effectively reduced China to a semi-independent, autonomous province of the British empire: a status that was granted and tolerated by Britain on the understanding that China would be obliged to do as it was told.<sup>6</sup> It would obviously have been somewhat inconsistent to outlaw the use of opium in Britain while actively encouraging it within the Empire, so regulation of the drugs trade had to be carefully drafted.

By the twentieth century, however, the pendulum had swung back and British power was no longer as secure in the Far East as it had been. The United States, which first established a presence in the Pacific with the admission of California to the Union in 1850, had an empire of their own in Hawaii and the Philippines, and a vested interest in breaking the British stranglehold upon Chinese trade in order to open up its markets to their own economy. The irony is that the very reasons that caused the British drug trade – economic, political and imperial – were ultimately responsible for its control and suppression. Coupled with increased domestic campaigning for the abolition of the opium trade, symbolised by the founding of the Society for the Suppression of the Opium Trade, an organisation increasingly active from the 1880s onwards, American pressure in the build-up to the First World War caused the British to negotiate and ultimately sign the Sino-British treaty of 1906, which agreed on the gradual elimination of the opium trade internationally and internally in China – something that, Trocki argued, the Chinese nearly accomplished prior to Chiang Kai-Shek's seizure of power.<sup>7</sup> This also led to further conferences on

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Political Economy" in *Bulletin of the School of Oriental and African Studies of the University of London* 64:2 (2001) pp. 260-267, who argues that Trocki misrepresented the source base to present a tendentious argument most of which had little basis in fact.

<sup>66</sup> *ibid.* pp. 88-101

<sup>7</sup> *ibid.*: for the Society of the Suppression of the Opium Trade, p. 117; for the Sino-British treaty, pp. 128-130

the international aspects of drugs policy, at Shanghai in 1909 and at the Hague between 1910 and 1914, which ultimately led to an understanding that opiates and cocaine would be restricted in future to medicinal uses. This followed on, in Britain, from further tightening of the pharmaceutical regulations in 1908 around the sale of dangerous drugs.<sup>8</sup>

During the First World War the political scene changed again for drugs and drug users. As alcohol was thought to sap the national will to achieve victory, so too drugs were seen as a potential threat to the war effort. In particular, there was a suggestion that soldiers on leave were indulging freely in cocaine abuse. The amount of criminal smuggling that the new restrictions were causing also proved both problematic and embarrassing to the British government. An under-secretary at the Home Office, named Malcolm Delevingne, suggested that both problems could be met by introducing regulations under DORA, which had the advantages of speed and efficiency (DORA regulations could be introduced by Orders in Council, avoiding the need to submit to the long, cumbersome and potentially difficult process of Parliamentary scrutiny). Ultimately, the regulations introduced, as codified in the Dangerous Drugs Act after the war, severely restricted the sale of cocaine and morphine, and introduced new penalties for their unlicensed distribution. This became the responsibility of the Home Office.

This decision taken over the administration of the Dangerous Drugs Act was of crucial importance to the subsequent history of drugs control. In 1921 the vital question of who should administer the new Dangerous Drugs Act was discussed, as it was considered that either it should be left with the Ministry of Health (as it dealt with the medical and pharmaceutical professions) or it should be transferred to the Home Office (as it now concerned the police). This decision had implications for the entire future of the drug control policy as it was being worked out, not necessarily because of how it was administered, but because of how it would be perceived. Virginia Berridge rightly gives the date of 1921 as the time when a view was established in administrative quarters that drug abuse was a criminal rather than a medical matter.<sup>9</sup>

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<sup>8</sup> Berridge pp. 239-241

<sup>9</sup> *ibid.* pp. 263-4



What she signally fails to mention, however, is that only a handful of people in the Home Office actually wanted the responsibility of administering it in the first place, instead giving the impression that the entire department was firmly behind a “criminal” approach. In fact, the granting of the Dangerous Drugs Act to the Home Office was a hair’s-breadth decision – and one that might very easily have gone the other way but for Sir Malcolm Delevingne, the Under-Secretary who had drawn up the original DORA regulations.

In 1919 John Anderson, at that time an under-secretary at the newly formed Ministry of Health,<sup>10</sup> pressed very strongly for the immediate transfer of drug regulation to his ministry. He wrote on the file documenting the matter; “I think [there is] a conclusive case for transfer of responsibility [for regulating drugs] from the Home Office to the Ministry of Health.”<sup>11</sup> A colleague of his was in rather guarded agreement with him on this:

“On the whole I concur – not I think so much on the grounds that this is only a wholly a Health matter, [sic] but I see no reasonable alternative; and substantial advantages lie on the side of transfer. Whether it is one of the Home Office “Health” matters which shd. be transferred more urgently than some others is I assume a question of expediency.”<sup>12</sup>

John Anderson did not agree on the timescale proposed. Three days later he wrote again, once more firmly reiterating his belief that the Home Office should not take any part in the administration of narcotics policy:

“I think the case for immediate transfer is strong in that the H. O. have hitherto relied entirely on the NHIC [National Health Insurance Commission] for technical advice and developments are impending.

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<sup>10</sup> See above p. 58 for a *résumé* of his career.

<sup>11</sup> John Anderson, memo, 16th June 1919, in NA MH 58/51

<sup>12</sup> G. N(ewman)? memo, 18th June 1919, in *ibid.*: for details of his career see Steve Sturdy, ‘Newman, Sir George (1870–1948)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/35215>, accessed 26 Sept 2007].

You might write personally to Sir. M. Delevingne in the first instance telling him that in the view of the M of H these responsibilities shd. be taken over – for reasons stated – and that unless there are any points he would like to discuss we will at once take the matter up officially.”<sup>13</sup>

This was firm stuff, and strongly suggests that Anderson (who, unusually for a senior Civil Servant of this time, was a scientist rather than a classicist)<sup>14</sup> recognised the inherent problems of a drug policy based solely upon a penal system and was anxious to make sure it was ruled out as fast as possible – if practicable, before Malcolm Delevingne got to hear about it.

McCleary’s letter to Delevingne certainly stressed the first point, underlining that “The chief object of the control of the use of opium, cocaine etc. is the protection of the national health from the injurious effects of the illicit drug-taking, and...it is most important that the control should be effected without undue interference with the legitimate use of those drugs in medical practice.”<sup>15</sup>

But this hopeful epistle met with a singularly stony response. Ten days later Delevingne wrote back with a very decided letter of his own:

“We think the control of opium, cocaine and other dangerous drugs should remain with the Home Office, and we are making arrangements to deal with the new situation which will be created by the ratification of the Opium Convention. The matter is very largely a police matter; the interest of the Ministry of Health in the matter is not by any means the only one, and on the police side as you know it has its international as well as its national aspects, especially in connection with the prevention of smuggling. Being so largely a police matter, the enforcement of the regulations has

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<sup>13</sup> Anderson op. cit. 21st June 1919 (his emphasis).

<sup>14</sup> See John W. Wheeler-Bennett, *John Anderson, Viscount Waverley* (London 1962) pp. 7-9, 13-15.

<sup>15</sup> McCleary to Delevingne, 27th June 1919 op. cit.



in the main to be undertaken by the police, and there would be considerable objections to its being transferred to another Department which is not in close relations with the police. The question stands on exactly the same footing as the control of poisons, with which it is closely allied, and it is clear that the control of poisons is a matter which should remain where it is, that is with the Privy Council Office and the Home Office.”<sup>16</sup>

This blunt statement can only be interpreted one way – that Malcolm Delevingne saw cocaine and opium as poisons, not as medicines which could be used beneficially, or as substances that could be abused without necessarily causing death but leading to serious problems of addiction.

The shock of the Ministry of Health at this missive was great, and went right to the top of the chain of command. Robert Morant, the new Permanent Secretary at the Ministry of Health, went so far as to remark to Sir George Newman, the Chief Medical Officer:

“I expect you know Sir M Delevingne pretty well and can handle him. If Sir J. Anderson were here, he would see Sir Malcolm and possibly lash<sup>17</sup> him into a reasonable attitude...Would you take it up, and, with Dr. McCleary who has been in it throughout, see Sir Malcolm for one more pressure – which failing, we must get ministers to take it up. From Sir Malcolm’s letter, it looks as if some adverse steps might be imminent in the Home Office, so our action must be speedy.”<sup>18</sup>

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<sup>16</sup> Delevingne to McCleary, 7th July 1919 *ibid*.

<sup>17</sup> Or possibly “lath,” which is what the word actually looks like but which makes no sense.

<sup>18</sup> Robert Morant, memo to Sir George Newman, 24th July 1919, *ibid*. In fairness Sir John Anderson had suggested on the 19th July in a similar minute that perhaps “the matter should be referred to ministers” (Sir John Anderson, minute, 19th July 1919, *ibid*.) but that was as a last resort after further avenues had been explored, while Morant seemed to be urgently considering it.

Not only did this none-too-subtly suggest that in the opinion of the writer Delevingne was being unreasonable and required some stern disciplining, but also that his planned solution would be “adverse” (which is obviously diplomatic language for “disastrous”) and that pressure must be put on him to avert a penal policy being introduced. In this, the Ministry of Health were manifestly unsuccessful. Delevingne was adamant that drug policy should remain with the Home Office, and largely because of his prestige in the area following the DORA regulations of 1916, he overruled the still reluctant Sir John Anderson and got his way.<sup>19</sup> The irony of this is that subsequently Anderson became Permanent Secretary of the Home Office and found himself charged with implementing a policy he had done everything possible to avoid while at the Ministry of Health.

This letter is also significant for another reason, however. It is the first time in the entire correspondence that anyone suggested consulting ministers on the subject. Prior to that, the entire thing was being comfortably thrashed out by a group of Civil Servants whose main concern seems to have been to find agreement among themselves. This may be because these new regulations were an afterthought of the DORA rules (which of course were mostly drafted by Civil Servants and signed on the nod by ministers as and when required). But it set the tone for drugs policy for the next decade as well.

Throughout the 1920s, although a variety of Civil Servants frequently wrote letters under that began “I am directed by the Secretary of State...” the impression is that this is purely a polite formula, and that what they really meant was “I am writing to you because my attention has been drawn to...”<sup>20</sup> Joynson-Hicks, despite being a very active and indeed officious Home Secretary for about half of the first decade of the Dangerous Drugs Act, on only two files that I can find expressed any opinion on the administration of the Dangerous Drugs

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<sup>19</sup> See further minutes by Sir George Newman of the 22nd August 1919, and Sir John Anderson of the 19th July 1919, both *ibid*.

<sup>20</sup> See for instance, A.J. Eagleton to the Imperial Secretary for Northern Ireland 11th July 1923, enclosing a list of supplies of morphine to a doctor in Ulster, in NA HO 267/328; Eagleton to Dr. Kingsbury, 27th January 1925, about the peculiarly large quantities of opium the doctor was buying, in NA HO 144/11969 471707/3; or Home Office to the Ministry of Health, 9th August 1928, about the consolidation of various regulations within the Dangerous Drugs Act, in NA HO 45/13351 423410/51.



Act; once in November 1924 (soon after coming into office) when he noted his approval on a minor amendment to them,<sup>21</sup> and again in July 1926 when he wrote “I agree” next to a similarly trivial amendment of Section 7 of the regulations.<sup>22</sup> For the remainder of the time, the Civil Servants (especially Malcolm Delevingne) ran the regulations more or less as they saw fit, under the usually indulgent eye of Sir John Anderson, the most senior official to regularly minute on the drug files. The basic enforcement was, as a result, left solely to the police and not to the medical profession. This was to have unintended and indeed problematic consequences.

Having established that a penal policy would now be pursued, the next step was to decide of what that penal policy would consist. There appear to have been three main groups of drug addicts in the 1920s (or at least, there are three types for whom records have survived):

- 1) “Medical” addicts who had been prescribed opiates as painkillers and had become dependent upon them;
- 2) “Recreational” users of cocaine in particular, concentrated among the hedonistic “Bright Young Things” discussed in the preceding chapter on nightclubs;
- 3) What might be termed “cultural addicts,” specifically the Chinese immigrants who were regarded as “opium smokers” due to the prevalence of opium smoking in China.

The enforcement of laws regarding these categories was, however, somewhat difficult. Category two, the recreational users, presented the most problems. As drugs tended to get taken most often inside nightclubs, where police found it extremely difficult to go, proving anything was almost impossible unless they happened to get lucky on the night of a raid. The Chinese community proved

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<sup>21</sup> Minute by Joynson-Hicks, 20th November 1924, in NA HO 45/13351 423410/29

<sup>22</sup> Minute by Joynson-Hicks, 31st July 1926, in NA HO 45/13351 423410/41

almost as impenetrable, being extremely small, closely-knit and suspicious of incursions from outside. Paradoxically, the most harmless of the classes, the medical addicts, proved the easiest to police, largely because they were the ones least likely to have the money or the contacts in the criminal underworld that gave access to the black market in drugs, and had to purchase it from chemists by means of forged prescriptions. More seriously, these people, who often had had no wish to become addicted to drugs and often fervently wished to be free of them, were unable to seek help as after the first illegal purchase they were operating on the wrong side of the law. It is hard not to feel sympathy with the unfortunate man who was obliged to pose as a farrier in order to obtain morphine from a chemist. As a bookmaker's clerk from Norbury, John Jacobs would have had no contact (or at most, very limited) contact with any illicit supply of drugs that would perhaps have enabled him to escape detection. As it was, his prescriptions were amateurish affairs, clumsy forgeries that were swiftly spotted by the police, and he was given six months imprisonment in the second division.<sup>23</sup> There is an air of vindictiveness about the suggestion from the investigating officer, Inspector J. Jones of Thornton Heath police station, that as Jacobs had posed as an member of the Royal College of Veterinary Surgeons in order to obtain morphine, a copy of the report should be forwarded to the Secretary of the RCVS in case they wished to prosecute him on their own account – despite the fact that Jacobs was “in a bad health [sic] and now in a state of collapse.”<sup>24</sup>

Such heavy-handedness occasionally misfired badly, perhaps most spectacularly so in the case of Dr. Kingsbury. Kingsbury had been a GP in Blackpool before moving to London to practice as a barrister, specialising in medical law. On the 17th November 1924, it was noticed during a routine inspection of the registers of supplies of morphine kept by chemists that he was purchasing a very substantial amount of morphine tablets from a chemist in Blackheath. When challenged by the chemist to explain why he needed it, he said he was still, despite his legal practice, prescribing for two or three

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<sup>23</sup> Case of John Jacobs: Possession of Morphine (January 1923) NA MEPO 3/423 (especially Police to Home Office, 22nd January 1923)

<sup>24</sup> For the RCVS comment, see J. Jones to superiors, 11th January 1923: for the health comment, see Fred R. Hodges, note on report by J. Jones, 11th January 1923, both in *ibid.*



patients.<sup>25</sup> This did not quite satisfy the Home Office, who asked that the Regional Medical Health Officer pay him a visit to ascertain what was going on, in an example of that co-operation that had been clearly laid out as being necessary when the issue of drug control had been decided.<sup>26</sup> This was done, and the RMHO reported that he was “very favourably impressed” with Dr. Kingsbury, and satisfied with his explanation – that he had an old friend, also a patient, whom he was trying to wean from a morphine addiction caused by a botched appendicitis case, without publicity or fuss.<sup>27</sup> However, the Home Office insisted that Dr. Kingsbury, as a “dispensing doctor,” would have to keep a register of how much morphine he dispensed – and to whom.<sup>28</sup>

It was this last part that proved problematic. Despite an ever-increasing supply of the drug to Dr. Kingsbury, his register made no mention of the name of the patient. A further visit by a different Regional Medical Officer of Health raised this point, with which Kingsbury adamantly refused to comply. The only information he volunteered was that his patient was 70 years old, and in poor health, so weaning him off the drug was difficult.<sup>29</sup> Kingsbury volunteered that this “patient” worked in a responsible position for a number of City firms, and feared losing his employment if it became known that he was a drug addict.<sup>30</sup>

The Home Office did not find the thought of a drug addict aged seventy, in poor health, working for a large number of City firms in a responsible position very plausible, and instituted proceedings. Dr Kingsbury was found guilty of breaching the Dangerous Drugs Act, but immediately appealed against this, claiming that he had kept the patient under his direct personal supervision at all times and therefore was exempt from the provisions under which he was prosecuted.<sup>31</sup> The Home Office was somewhat complacent in its attitude towards

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<sup>25</sup> Report by Sgt. Thomas Cory, of Station “R,” 17th November 1924, in NA HO 144/11969 471707/1

<sup>26</sup> Home Office to Ministry of Health, 27th November 1924, *ibid.*

<sup>27</sup> Report by Dr. J. Dill Russell, RMO, 3rd January 1925 NA HO 144/11969 471707/2

<sup>28</sup> Home Office to Kingsbury (unsigned copy) 27th January 1925, *ibid.*

<sup>29</sup> Report by A. R. Roche, RMO, 31st October 1925, NA HO 144/11969 471707/6.

<sup>30</sup> Kingsbury to Delevingne, 28th December 1925, NA HO 144/11969 471707/7: also see report by Dr. Anderson on visits of 28th and 19th December 1925 in same folder.

<sup>31</sup> Bodkin to Delevingne, 4th March 1926, NA HO 144/11969 471707/10



this decision – when Delevingne was asked if Kingsbury’s licence to dispense drugs should be withdrawn, he commented that there were good grounds for doing so and that it was his preferred course of action.<sup>32</sup> He was dissuaded from doing so by Sir Archibald Bodkin, who thought it would look bad at the appeal court, and John Anderson, who commented complacently, “Our case is so good that it would be a pity to do anything that might bring him some small measure of professional support.”<sup>33</sup>

Alas for such thoughts, for Kingsbury won his appeal, to the dismay of Delevingne and Anderson, who promptly set about drafting the law so that “direct personal supervision” could only mean under the doctor’s own eyes, not in any less immediate sense.<sup>34</sup> It cannot have pleased either of them that the *British Medical Journal* promptly joined in the fun by hailing the decision as being of “immense importance,” which gave the lie to Anderson’s belief that Kingsbury had no supporters in the medical world.<sup>35</sup>

Such a case highlighted the worst dangers of an all-or-nothing penal approach. Had the matter been left to the Ministry of Health, it is much more likely that a system could have been put in place where a second doctor, under Hippocratic oath, could have examined the patient, given a second opinion on the need for morphine and left it there. Kingsbury’s lies would never have needed to have been told. Quite clearly his story was nonsensical, dreamed up in order to fit whatever argument he was putting forward at the time; after all they amounted to a patient who was a man of 70, apparently in extremely poor health, a drug addict, on a low income, employed by several City firms in a responsible position, afraid of the sack. On this story the patient would have been fired long before simply due to breach of contract over frequent sick leave. In point of fact, the chemist who supplied Kingsbury with the drug gave it as his opinion that Kingsbury was actually buying morphine for his wife, who was suffering from terminal cancer at the time and may have needed substantial doses of opiates in order to minimise the pain; although quite why this should need to be kept so

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<sup>32</sup> Minute by Delevingne, 5th March 1926, NA HO 144/11969 471707/11

<sup>33</sup> Minute by Anderson, 5th March 1926, *ibid.*

<sup>34</sup> Minutes of 24th November 1926, by Delevingne and Anderson, NA HO 144/11969 471707/12

<sup>35</sup> *British Medical Journal*, 20th November 1926, p948, copy in NA HO 144/11969 471707/13



intensely secret is unclear, unless the amount she needed had made her an addict.<sup>36</sup> But sending in the police at such an early stage seems to have stiffened Kingsbury's resolve to tell them precisely nothing – and as a lawyer, and a tough, stubborn man, he managed to hugely embarrass the Home Office.

Routine checking of registers exposed the cases of Dr. Kingsbury and of Jacobs. But these represented only a part of the drug abuse culture in London in the 1920s. Far more serious, potentially, were the cocaine addicts of the nightclub scene. Certainly they were far more dangerous politically. Arguments about “racial decline” had sparked drugs legislation both in 1868 and 1917 – and as we have seen, the nightclub set were drawn from the elites of British society.

This particular problem came dramatically to public notice with the death of “Billie Carleton,” a singer and actress, in 1919. Carleton (not her real name – she was born Florence Stewart in 1896) had become a famous and extremely popular star thanks in part to her commercial modelling for a clothier named Reginald de Veulle. However, this fame and fortune came at a price when he persuaded her to take cocaine, as he did, claiming that it stimulated his artistry. Despite the pleas of her physician, a man named Frederick Stuart, she persisted in taking the drug. Finally, on 27th November 1919, she died in her sleep. The police immediately assumed that cocaine was the cause of death, and de Veulle, who had supplied Carleton with the drug, was charged with manslaughter. He was however acquitted, being found guilty of the much less serious charge of conspiracy to supply cocaine, and given eight months. The newspapers wallowed in lurid headlines about Carleton's debauched lifestyle, raising the whole profile of drug abuse and the problems attendant upon it in the mind of the general public.<sup>37</sup>

A recent speculative writer (from the field of literature with a background in biology rather than history) has cast doubt upon the idea that cocaine was in fact responsible for Carleton's death, pointing out that the symptoms were all wrong. Instead, a rather tenuous case is put forward for heroin as cause of death. A more plausible explanation is that death was caused

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<sup>36</sup> Report of Sergeant Taggart, 23rd April 1930, in NA HO 144/11969 471707/14

<sup>37</sup> See Marek Kohn, *Dope Girls: The Birth of the British Drug Underground* (Granta Books edition, London 2001) chapters 5 and 6 (pp. 67-104) gives an accessible albeit lurid account.



by an overdose of barbiturates, which is also explored.<sup>38</sup> However, for the purposes of this thesis the cause of death is not in fact relevant; what matters is that there was a death, followed by an attempt at draconian punishment, that was attributable to the cocaine traffic. De Veulle was white. In the climate of the time, that made it much less likely that he would suffer for his actions than the next character who emerges as a dope trafficker – and not an amateurish, for-personal-gratification-but-happy-to-hand-it-out-to-others style trafficker, but a tough, hardened and extremely formidable gangster who seems to have controlled a large proportion of the London drug trade in the early 1920s, despite being in fact a very shadowy figure whose files seem to be mysteriously absent from the government archives.

As I noted in the last chapter, Joynson-Hicks, when prodding the police into action over Meyrick's club, complained that it contained "doped women." I also put forward several explanations for this.<sup>39</sup> Meyrick herself did not deny that there had been women in her clubs who used drugs, rather the contrary – but she laid the blame at the door of one man. That man was a Chinese restaurateur with a premises opposite the "43 Club" in Soho, named Brilliant Chang.<sup>40</sup>

Brilliant Chang was Chinese, and a notorious operator in drugs. While the only surviving major record of him – Henry Robert Oswald's autobiography, *Memoirs of a London County Coroner* – is obviously heavily biased against him at least partly on racial grounds, Kate Meyrick also never had the slightest doubt that he dealt in drugs, although she also praised his coolness in thwarting an attempted robbery of another nightclub. Therefore it seems it must be accepted as a fact that he did traffic in drugs, although he himself (perhaps understandably) denied it in court.<sup>41</sup> He achieved a certain level of public notoriety (including a mention in *The Times*)<sup>42</sup> without ever really emerging from the shadows into a world where everyone knew about him.

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<sup>38</sup> *ibid.* pp. 96-101

<sup>39</sup> See above pp. 192-94

<sup>40</sup> Kate Meyrick, *Secrets of the 43* (second edition Dublin 1994) p. 41. It is unclear whether "Brilliant" was a rendering of his name with English phonetics or a nickname, but he was invariably called by it.

<sup>41</sup> Henry Robert Oswald, *Memoirs of a London County Coroner* (London 1936) pp. 192-193.

<sup>42</sup> See, for instance, "Freda Kempton's death" *The Times*, 25th April 1922, page 9



It seems almost certain that he mainly trafficked in cocaine (although the evidence is patchy, and he may also have run opiates). It was in this capacity that he first came to the notice of the police, following the suicide of a young dancer at one of Meyrick's first clubs, the Dalton Club, a girl named Freda Kempton.<sup>43</sup> As Marek Kohn points out, the profession of a dancer is one that perhaps lends itself particularly to the using of cocaine. It is physically demanding, emotionally draining and calls therefore for both stamina and resilience. Cocaine, by increasing the blood pressure, can provide a measure of both.<sup>44</sup>

In the case of Freda Kempton, a number of factors seem to have combined to drive her to suicide. A few weeks before one of her closest friends, suffering from acute depression, took an overdose of cocaine. Her relationship with her partner came to an abrupt end after he became infatuated with another woman. Finally, according to the coroner, an insidious influence was exerted by Chang, who told her how to kill herself by taking cocaine, having provided her with a steady supply of it beforehand.<sup>45</sup>

The actual facts of Freda Kempton's death seem straightforward enough. A young girl, depressed by her emotional difficulties, distressed at the death of a friend and increasingly addicted to an unpleasant drug that was almost certainly causing her headaches, she took the simplest way out of life by taking an overdose of cocaine.<sup>46</sup> But the appearance of Brilliant Chang in the case gave it an altogether more lurid hue. Chang represented the strange, the unknowable, even the inscrutable, by virtue of his Chinese race, his habit of dressing in Western clothes, and above all the fact that he was suspected of trafficking in drugs lent something of a spice to the affair, one that the press wallowed in.<sup>47</sup>

Chang himself offered nothing very much in the way of evidence. He conceded that he knew Freda Kempton, and had given her money, and was also (rather inconveniently from his point of view) the last man who had seen her alive. He denied having given her cocaine, or of ever having trafficked in

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<sup>43</sup> Dalton's was closed after a fairly brief existence by a police raid: see Meyrick pp. 21-2

<sup>44</sup> Kohn p. 124

<sup>45</sup> Oswald pp. 190-192; Kohn pp. 126-128

<sup>46</sup> Oswald p. 190

<sup>47</sup> Kohn pp. 128-134 discusses the media reaction in greater detail.

cocaine, or even of having owned it, a denial that did not convince either the coroner or Mrs. Meyrick of his innocence in dealing in drugs.<sup>48</sup>

Oswald's own account of the impression that Chang made upon him is rather interesting:

"It was obvious to me in a moment that the yellow man was an individual of great wealth and remarkable personality. He came to my Court in an ostentatiously fine car, and wearing a magnificent fur coat. His eyes were sleepy, almond-shaped, and of an almost hypnotic black, and he wore a steady, inscrutable smile for a long time, although it was gone before I had finished with him."<sup>49</sup>

Quite how much of this is written from memory and how much with the benefit of hindsight it is hard to say. But certainly the general temper of commentary on Chang was that he was a remarkable man with a dominant personality. He also managed to escape from Oswald's court with nothing more than a difficult questioning, which given Oswald's obvious prejudice against him and determination to break him down, was no mean achievement.

The police, however, now took a proactive stance against Chang, as Oswald rather luridly described in his memoirs. After the suicide of Freda Kempton Chang was closely watched. This had the unintended side effect of closing down his club in Regent Street as he made ever more swingeing cuts in membership in a bid to keep out surveillance officers. Finally, in a new club he had opened in London's Docklands, a police raid found a large amount of

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<sup>48</sup> Oswald, p. 193

<sup>49</sup> *ibid.* p. 193



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cocaine concealed on the premises. Chang was given a prison sentence and eventually deported. Oswald exulted that “he was warned never to return to this country, and if he is wise he will never do so.”<sup>50</sup>

To quite what degree Oswald was suspicious of Chang because Chang was Chinese and to what degree he was suspicious of him because he was an extremely wealthy man closely linked to a set that was using cocaine is impossible to determine – so far as can be judged after this lapse of time, the first may have just outweighed the second. Whichever reason weighed most heavily, the case of Chang brings us on to the third type of drug addicts – the Chinese opium smokers in the Limehouse district.

It is surprising that the drug offences of this ethnic group should feature in police files on the subject to the extent that they do; some twenty per cent of surviving files on drug cases (admittedly that only equals three) concern Chinese opium smoking.<sup>51</sup> After all, in an extremely thorough dissection of the population of the district, one author points out that the number of Chinese in Limehouse recorded in the census of 1921 at around 711 immigrants – which, in a city of six million people, including hundreds of thousands of European immigrants, hardly registers as more than a blip. However, the same author points out certain flaws in the methodology. The Census did not ask for ethnic origin – only identifying people according to their place of birth. Any children of these 711 Chinese born in Britain were classed simply as “British.” Conversely, the children of soldiers, merchants or missionaries born abroad as the result of their parents’ travels, in China or India, might be classified as “Chinese” or “Indian” as well – despite the fact that they were obviously no such thing in ethnic terms.<sup>52</sup> However, it seems very unlikely that people such as merchants

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<sup>50</sup> See Oswald, pp. 194-196 (direct quote p196). I am indebted to Mr. Daniel Gray, late PhD student of Roehampton University, for pointing me in the direction of this source, which is the only substantial source I have been able to discover on Brilliant Chang.

<sup>51</sup> MEPO 3/432 – 3/434. The total run of files begins at 3/420, although not all the 15 are directly concerned with drug smugglers and addicts – they also contain a con-man posing as an anti-narcotics campaigner, for instance.

<sup>52</sup> One person who would be affected by the statistical anomaly this presented, my grandmother Helen McGregor MacFarlane (1917-88) was born at I’Chang on the River Yangtze in China, but was, as the name implies, entirely Scottish and proud of it. She subsequently lived in Liverpool, however, where she might



and Army officers would be living, with their families, in a notorious slum such as Limehouse. The Chinese of Limehouse, which earned the soubriquet of “Chinatown” in the public imagination, were undoubtedly a very small community, but it seems probable that most of them would be ethnic Chinese rather than errors in a counting system.<sup>53</sup> Many had probably arrived as sailors or deck-hands, and stayed on in a bid to exploit the economic possibilities of the new country that they found themselves in. But that is perhaps to take too mathematical a view of the situation, which needs to be seen in more of a cultural perspective.

Prior to the Second World War, there were relatively few non-white indigenous inhabitants of the United Kingdom. They became, however, a symbol of all that was alien and different about the East; drug-takers, cooks of mysterious and fantastic dishes (the Chinese restaurant is not quite such a recent phenomenon as most people seem to think) and above all, Oriental in physiology, in dress and in manner.

Such fantasies as grew up were also fuelled by sensationalist popular fiction. Sax Rohmer’s famous arch-villain, Fu Manchu, dates from the early 1920s, and Sexton Blake’s arch-enemy, Wu Ling, from the First World War. While the role of popular culture in popular perceptions of race and gender can probably be overstated, it cannot be simply ignored either.<sup>54</sup>

A third factor that comes into play, again, is the eugenicist one. These Chinese men (most of them were men) were usually very far from home and families, and very few of them brought wives with them. As a result, they tended to look for wives among the local (white) population, leading to claims of interbreeding (true) racial degeneracy (born of prejudices of the time) and white slavery (probably mostly hysteria). Such patterns of behaviour would be especially beloved of the press, looking for the sensational.<sup>55</sup>

There can be no doubt that there was a substantial trade in opium among the Chinese, largely because of addictive habits formed before they had left

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conceivably have been counted as “Chinese” for the purpose of any census conducted while she was there.

<sup>53</sup> See John Seed, “Limehouse Blues: Looking for Chinatown in the London Docks 1900-40,” *History Workshop Journal* 62 (2006) pp. 58-85, pp. 62-64.

<sup>54</sup> See Seed, esp. p. 58, pp. 69-70, 74-78

<sup>55</sup> *ibid.* pp. 70-71

China. As one magistrate commented when a case of Chinese smoking opium was brought before him,

“In my opinion there is no difference between a chinaman [sic] smoking opium and us having a gold flake, this appears to be a family party, and there is no evidence that any of the prisoners were engaged in drug trafficking, I think this case will be met by binding all the prisoners over.”<sup>56</sup>

He also ordered them to pay five pounds costs, but the attitude of a cultural phenomenon that was not of significant importance that he displayed did not prevail among the police. In fact, they often took quite serious personal risks in a bid to arrest known abusers of opium in Limehouse. In two of the three files on this subject that survive, reference is made to the dilapidated and unsafe nature of the buildings, and in one there is an account of how the police raiders had to break open a locked trapdoor that had been covered by a bed.<sup>57</sup>

In fairness to the police, there were also strong hints of opium trading going on in Limehouse as well, quite apart from the case of Brilliant Chang. It seems very probable that the readiest supply of opium for its consumers came through Chinese sailors coming into London on ships from Hong Kong. But at various times the police suspected that somebody was co-ordinating the traffic. On one occasion following his arrest and trial for the possession of opium, a précis was provided of the anonymous tip-offs concerning a man named Loo Sow, more commonly referred to by the Chinese as Chai Tai. In it, the reporting officer stated:

“His practice [for establishing opium dens] has always been to secure a poverty stricken Chinaman, place him in the premises as the tenant, and then supply him with what quantity of opium is required for the frequenters. He then remains in the background as

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<sup>56</sup> Quoted in statement of PC A. Edwards, 26th June 1929, in NA MEPO 3/342

<sup>57</sup> See Statement by D. Denison 18th July 1929, referring to the courage of his officers in searching buildings in a dilapidated condition, *ibid.*: for the account of the raid including a barricaded trap door, see Statement by Arthur Lount, 20th November 1929, pp1-2, in NA MEPO 3/434



the controlling hand of the establishment, and takes the large profits which accrue therefrom... Numerous anonymous letters have been received respecting [him]...All these letters complain of his activities in the drug traffic – some also alleging that he inveigled white girls to 17, Limehouse Causeway where he taught them “how to drug,” but of this we had no evidence when he was arrested.”<sup>58</sup>

Here, again, the question of eugenics raised its head. The fact that they were “white” girls being inveigled seems to have somehow shocked the letter writers more than if it had been the Chinese man’s own daughters that had started on opium. Moreover, this particular claim, given that there was no evidence of it found to support these claims when Loo Sow was eventually arrested suggests that the anonymous letter writers had merely been reporting the more lurid rumours that they had heard.

But in the face of such suggestions, the police clearly felt obliged to act, and Loo Sow’s restaurant was raided in November 1929. In the waste pail a large packet of opium was found, which Loo Sow’s pantryman insisted had been left by a party of guests. The jury did not believe this, returning a verdict of “guilty” on the charge of possession of opium. Although sentence was mitigated by the clean record of the two men, Loo Sow received six months and Dang Chee three months.<sup>59</sup> At the end of his sentence Loo Sow, notwithstanding his English wife and ten children, was deported to Hong Kong on the *Beinn Macdhuil*.<sup>60</sup>

But this case highlighted one of the chief weaknesses of the police action against drugs. In the cases of nightclubs, that were almost impossible to enter except as a member or a customer, and in the Chinese community, which was more or less sealed against a police force with no Chinese officers and so could put no plausible spies of its own in place, it had to rely on informers. And these

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<sup>58</sup> Quoted in report of Detective-Inspector Edwards to Superintendent, 13th February 1930, in NA MEPO 3/433

<sup>59</sup> Report on the trial by Messrs. Wontner and Sons to Assistant Commissioner, Wontner and Sons to Asst. Comm. 4th February 1930, in MEPO 3/433

<sup>60</sup> See various correspondence between the Home Office, the police and the Hong Kong police, 8th July-17th October 1930 in *ibid*.

informers were not always doing working for the police out of a sense of rightness or the goodness of their hearts. They expected to be paid.

It was, of course, not always quite so simple as that. Oswald admitted, in his memoirs, that the police worked on a tip-off when they finally caught Chang. His exact words were not quite as blunt as that, but he was hinting at something he did not seem very eager to express publicly.<sup>61</sup> However, fifty years later the need for reticence was rather less, and one of the English women who had lived with a Chinese drug dealer was willing to say what had happened:

“In Limehouse, Brilliant Chang was hated and distrusted by the local Chinese community for the difficulties he had caused them...Annie told us that the local Chinese community had turned over the evidence to the police concerning Chang’s drug activities. This was partly done for peace and quiet – partly because Chang was genuinely “feared” in Limehouse.”<sup>62</sup>

While the exact words of Annie Lai were unfortunately not published, this does indeed seem plausible. The accounts of both Annie Lai herself, and Lilian Wyles, the inspector of police who features much more prominently in chapter eight, strongly suggest that the relationship between the Chinese population of Limehouse and the local Limehouse police was by and large good-natured.<sup>63</sup> Whether that extended to the senior officers or only to the beat constables who might “happen” to look the other way at crucial moments is unclear. Annie herself largely blamed Scotland Yard for the pressure brought to bear upon the opium trade.<sup>64</sup>

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<sup>61</sup> “But by this time the inner workings of the place were known. A quiet detective unloosed some of the brickwork behind a disused stove....” clearly, that would have been difficult to spot from mere observation of the premises, especially with Chang on the alert for police spies. Oswald p. 195

<sup>62</sup> Annie Lai, Bob Little and Pippa Little, “Chinatown Annie: The East End Opium Trade 1920-1935: The story of a woman opium dealer,” in *Oral History Journal* 14 (i) (1986) pp. 18-30, p. 23.

<sup>63</sup> See Lilian Wyles, *A Woman at Scotland Yard* (London 1951) pp. 92-4. She speaks highly of the Chinese community’s friendship and good behaviour, and also expresses a regret that she had never taken up an oft-repeated invitation to try an opium pill.

<sup>64</sup> *ibid.* pp. 23, 28



Scotland Yard itself had to rely substantially on informers, however. And, in paying them for their services, they were clearly formulating a system wide open to abuse. The more remarkable thing is how open the officers were in their own reports about what they were trying to achieve. Inspector Denison wrote on the file of one arrest in Chinatown:

“Throughout our observation on these and other premises suspected of drug trafficking, we have been materially assisted both by information and observation (which at times could not have been performed by officers without detection) by a woman informant named Rose Doyle. This woman is living with a Chinaman, and although I and other officers have assisted her financially at times, I respectfully suggest that she be granted the sum of £5 from the Informants’ Fund as an inducement to furnish me with further information respecting offences in “Chinatown.””<sup>65</sup>

The very obvious danger, and one that does not seem to have occurred to this particular officer, is that “Rose Doyle” would simply start either bringing all gossip and rumour, whether or not it had any foundation, to the police in the hope of getting money, or far more seriously (as it could not do too much harm for the police to know what was being said) lead to her making things up. While the chances of her actually getting away with something like that in a system where anyone can demand a fair trial by jury were perhaps remote, it might well have led to the police tying up time and resources chasing phantoms of imagination.

Yet the police obviously considered the informant system indispensable to their success. Loo Sow was also caught following a tip from an informer, who called himself “Harry Wills,” and who had evidently spent considerable time and effort penetrating the Limehouse Chinese community. It seems very unlikely that he did this for the financial rewards offered by the police (which amounted to £10 for the successful prosecution of Loo Sow).<sup>66</sup> Quite why he was busily engaged in ingratiating himself is unclear, and it is very possible that the police

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<sup>65</sup> Statement by Inspector Denison, 18th July 1929, op. cit.

<sup>66</sup> Report by Edwards to Chief Inspector, 4th March 1930, in NA MEPO 3/433

themselves had no idea. But whether he was a journalist, a writer, the member of a rival criminal organisation, a vigilante or even a local government inspector exploiting a source of income on the side is not very relevant. What matters is that the police were quite openly paying him in a bid to get more information out of him:

““Harry Wills” the informant in this case has proved himself extremely useful and has given us most valuable information which he has obtained by associating and ingratiating himself with the principals engaged in opium traffic in the district of Limehouse and elsewhere. He has in addition to this case assisted police in bringing about the arrest of two other opium traffickers and it is expected that he will continue to give us further assistance. I therefore respectfully suggest that the sum of £10 be awarded him from the Informants’ Fund.”<sup>67</sup>

And all this was in the year *after* the Goddard case, when a police sergeant in Soho was given a stiff prison sentence and a heavy fine for tipping off night clubbers in his district about impending police raids in exchange for payment.<sup>68</sup>

In fairness, of course, Goddard was being paid to break the law; the informants were being paid to help uphold it. But the same fundamental principle applies. It was corruption – and a dangerous system open to rank abuse.

The penal policy of the British government ultimately proved so problematic that in 1924, a mere two years after it had been begun, a committee was set up under the chairmanship of Rolleston to investigate the matter. Reporting in 1926, it recommended the establishment of a predominantly medical policy, that did not eliminate the Home Office but relegated it to the background. This system endured for nearer forty years than four, until it was broken by the new, more hedonistic culture of the 1960s. Partly this may be because at no time in the 1920s were drugs a particularly serious problem in

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<sup>67</sup> Edwards’ Chief Inspector to Superintendent ?13th February 1930, in *ibid*.

<sup>68</sup> See below, chapter 8.



Britain – certainly not as serious as alcohol abuse. While it would be reckless to assume that the thirteen or fourteen files on the subject in the National Archives represent the whole accumulated prosecutions, as they certainly do not, they suggest that at worst the issue was an irritation rather than a crisis in the pattern of government.<sup>69</sup>

“It is significant that Rolleston’s name is still associated with British drug policy – while that of Malcolm Delevingne is virtually forgotten,” commented Virginia Berridge of the enforcement of drug laws in the 1920s.<sup>70</sup> Certainly in the 1920s a large number of false starts were made, and some glaring errors were committed, which complicated the picture of narcotic control in Britain.

But the brutal fact is that a wholly medical drugs enforcement policy, with an interlude between the Second World War and the 1960s, has not been hugely effective at controlling the problem of dangerous drugs either. So the whole question really boils down to a moral one – are responsible adults allowed to put what they like in their bodies, even at the risk of causing them serious damage, or should they be forced to conform to somebody else’s idea of what is “safe” and “reasonable” for them to do?

In the 1920s, the climate of governmental opinion, as can be seen throughout all the previous chapters, was that people simply could not be trusted with their own lives. They would possibly be corrupted by obscene books, attracted by obscene plays or films, or corrupted into alcoholism by illegal nightclubs.

The decision of Malcolm Delevingne to reserve drug policy to the Home Office as “essentially a police matter” was almost certainly an extension of that culture. The embarrassments it brought upon the Home Office and the police over, say Dr. Kingsbury, or the unfortunate arrest of an important Indian Maharaja’s nephew following a tip-off that he was smuggling cocaine into Britain from France to sell to his connections on the nightclub circuit (an accurate one, incidentally)<sup>71</sup> seem to have been purely incidental to this policy,

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<sup>69</sup> See Berridge *Opium and the People* pp. 272-278

<sup>70</sup> *ibid.* p. 278

<sup>71</sup> See files relating to the prosecution of S. S. Gaikwar (March-April 1922) in NA MEPO 3/420

just as the equally “unfortunate” furore over *The Well of Loneliness* was incidental to a “gentleman’s agreement” going wrong.

The only official to have shown any views that differed from the orthodox on a penal *versus* medical policy at the Home Office was Sir John Anderson. As I have already said, this was probably due to a background in chemistry and science rather than in literature. But, while no evidence to confirm this point has survived, it seems certain that he was not willing to make a major issue out of it – otherwise Delevingne would almost certainly have had to yield. Anderson, in fact, once he was satisfied that the Ministry of Health would be substantially involved in any policy on drugs that the Home Office came up with, seems to have been content to let the matter ride – and even he did not demur from the fact that “surely so far as the matter is really a police matter they (the Home Office) will come into (the policy) automatically.”<sup>72</sup>

The Home Office line was further confused by the fact that no option as simple as an outright ban on the drugs they wished to control was available to them, for the very good and obvious reason that cocaine and morphine were both still essential medical drugs in the 1920s. In 1923 a committee was in fact established to investigate whether there was a viable substitute for cocaine, so that its circulation could be curtailed. Reports in the *British Medical Journal* on scientific studies commissioned as a result of the work of this committee were unambiguous; the substitutes were “a) at least as dangerous b) not so efficient.”<sup>73</sup> This inability to rid the medical practice of the need for these drugs led, of course, to the problems in the case of Dr. Kingsbury. It also led to the bizarre and almost unbelievable situation of the Home Office on the one hand cracking down ruthlessly on the illegal cocaine trade, while on the other trying to establish a cocaine manufacturing company to meet Britain’s need for the drug (presumably particularly in time of war) – behind high tariffs and other even stiffer barriers to entry (including the strict licensing of imports and the establishment of quotas) that must surely be one of the earliest examples of a full-blown protective system in Britain’s post-industrial economic history, and

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<sup>72</sup> Memo by John Anderson, 19th July 1919, op. cit.

<sup>73</sup> Minute on two reports in the *British Medical Journal*, 21st December 1923, NA HO 45/19427 434228/9



one which was certainly deeply unpopular with both the importers and with the medical profession, as it made cocaine scarcer and more expensive.<sup>74</sup>

Overall, this culture of “the forces of reaction,” as Middlemas and Barnes called them, was by far the most potent force in all moral policy in the 1920s. Few Home Secretaries, if any, took an active interest in these affairs, except to initial minutes and blithely agree with the opinions of their Deputy Secretaries. When Marek Kohn talks of Joynson-Hicks’ appointment to the Home Office making the climate “much more favourable” for these forces, he is wildly overestimating the influence of one man.<sup>75</sup>

There is absolutely no reason to think that Joynson-Hicks did not approve of the penal policy on drugs pursued by the Home Office, and every reason to think that he did – after all, he would very likely have expressed fury on the files, with the thick red felt-tip pen that he seems to have favoured, had his officials gone against his personal wishes. But it is hard to think of what he could have actually *done* to change their policy had he disapproved of it. After all, no Home Secretary prior to Roy Jenkins in the 1960s seriously considered the drug laws, proving content to leave the system unchanged – and Jenkins, an egalitarian, enlightened, reforming Home Secretary and ardent critic of Joynson-Hicks,<sup>76</sup> tightened them, not loosened them, presaging the Thatcherite reforms that saw a further strengthening of the penal drugs policy.<sup>77</sup> Joynson-Hicks would doubtless have approved the moves made, but it should not be forgotten that in this field he had, in Sir Humphrey Appleby’s immortal phrase, “responsibility without power – the prerogative of the eunuch throughout the ages.”<sup>78</sup>

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<sup>74</sup> For files relating to this venture, see NA HO 144/22550. The company (May and Baker) seems to have been founded post-war, but by 1929 controlled nearly 70% of the British legitimate cocaine market, with the proactive help of Malcolm Delevingne in particular at the Home Office.

<sup>75</sup> Kohn p. 140

<sup>76</sup> He referred to Joynson-Hicks as “good on penal reform but illiberal on everything else.” Roy Jenkins, *Baldwin* (London 1987) p. 85. See also his biographical note (p179) quoted above p. 25

<sup>77</sup> Berridge pp. 283-285.

<sup>78</sup> Anthony Jay and Jonathan Lynn, *The Complete Yes Prime Minister* (London 1989) p. 466.

## **8) The Problem of the Police.**

“About Mr. Duckworthy I know what he has told me and no more. I daresay he will tell you, too, if you ask him nicely. But no third degree, you know, sergeant. No Savidgery.”

Dorothy L. Sayers, *Hangman's Holiday*.<sup>1</sup>

One thing that becomes very clear through the evidence amassed during the writing of this thesis is the enormous extent to which Joynson-Hicks depended upon the support of the police in order to enforce Home Office policy. In a state where the military's role is strictly limited by statute, and the civilian police are numerous, well-organised and powerful, this is perhaps hardly surprising. But it is something far too often forgotten in histories, or even in general conversation. One may borrow a phrase A. J. P. Taylor used to bait critics of his book *The Origins of the Second World War in Europe*: “It seems to be believed nowadays that Hitler did everything himself, even driving the trains and filling the gas chambers unaided.”<sup>2</sup> Similarly, there has been a considerable tendency to talk about Joynson-Hicks as though it was he personally who looked into every packet coming over from France, patrolled Hyde Park in the evenings, went to theatres with copies of the licensed play in his hand to scrutinise any illegal changes,<sup>3</sup> looked at films to detect smut or violence, and who raided nightclubs. Indeed, this is what Ronald Blythe actually wrote on the subject:

“He [Joynson-Hicks] looked as happy as a sandboy as he emptied the stews, wagged his finger in Hyde Park, leafed through a packet of erotic poems D. H. Lawrence had rashly put in the post unsealed, and sent the town to bed by ten.”<sup>4</sup>

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<sup>1</sup> “The Image in the Mirror,” *Hangman's Holiday* (paperback London 1974) p. 24

<sup>2</sup> A. J. P. Taylor, *The Origins of the Second World War (with a new introduction)* (second edition London 1963) p. 17

<sup>3</sup> Strictly speaking that aspect of the morality campaigns should of course read “Lord Cromer” for “Joynson-Hicks.”

<sup>4</sup> Ronald Blythe, *The Age of Illusion: England in the Twenties and Thirties* (paperback London 2001) p. 34



But it was in all these ways and many more that Joynson-Hicks needed the support of many other groups – and above all, the police. They searched Jonathan Cape's office after the seizure of *The Well of Loneliness*, they raided the nightclubs, they policed Hyde Park, they investigated plays performed outside London, and most important of all, they kept him informed of what action was and was not possible in order to keep London clean of Douglas's "moral poison."

Such an immense amount of work, however, was always bound to put a strain on the police, particularly as this was also an era when they were meant to be active in the pursuit of Communists and trades unionists (not necessarily or even usually the same people) and maintain public order in the face of a recession and social dislocation caused by the war. Joynson-Hicks went to enormous lengths to keep the police, especially the Metropolitan Police – the only force over which he had direct control – on his side. Generally he succeeded. But throughout the 1920s the problems of the police were substantial and made obvious by successive minor scandals. In 1925 an inquiry was ordered into the case of Major R. O. Sheppard, who had been wrongly accused of stealing a prostitute's purse and had been held for four and a half hours before being bailed. Bail procedures were tightened, on Joynson-Hicks's insistence. However, this was evidently less than successful, for in 1927 a similar case necessitated a further inquiry and a further revision of the rules.<sup>5</sup> To dwarf these fairly trivial failings, in 1928 two major scandals erupted, exposing problems in the Metropolitan force that ran from top to bottom, and which threatened both to wholly discredit the police force in the eyes of the public and even sweep from office the Home Secretary himself. One was the Goddard case, already mentioned in connection with Mrs. Meyrick. The other one, which was in fact considerably more serious in its implications and in the institutional failings that it highlighted, was the case of Irene Savidge.

Miss Savidge was a young woman in her early twenties, of a modern type. She had a job in one of the new industries of London, testing wireless

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<sup>5</sup> For a fuller account of these cases, see Jonathan Bernard Lopian, "Crime, Police and Punishment 1918-1929: Metropolitan experiences, perceptions and policies," University of Cambridge PhD thesis (1986) pp. 45-49



valves, and she went about, unchaperoned, with male friends. She was engaged but not married. In 1928 she was arrested in Hyde Park for “behaviour likely to offend against public decency.” Although acquitted and freed by a magistrate, she was subsequently taken to Scotland Yard and questioned for several hours about the circumstances of her arrest. Although Chief Inspector Alfred Collins, the officer in charge, was ostensibly investigating whether or not there were grounds for charging the constables who had arrested her with perjury, many at the time and since have concluded that he was merely trying to cover up their mistake (or, alternatively, prove the magistrate wrong: but in law that would amount to the same thing).

George Goddard was a station sergeant in Soho, responsible for policing the nightclubs of the area. For several years there were allegations that his record in this was patchy at best, and that he was happy to take money to look the other way. In 1928 matters came to a head when a nightclub to which he had awarded a clean bill of health was raided by the CID and found to be in flagrant breach of the law. Goddard was arrested and found to have a fortune of several thousand pounds in cash hidden in various safe deposits, as well as the freehold of a large house and two cars. Goddard was imprisoned and heavily fined, but he eventually got a considerable sum of his money back. A mere two years after his fall from grace, many of the London nightclubs had been forced by increased police pressure upon them to close.

These two cases arose directly out of the campaign to keep London clear of “vice,” which is why this chapter will focus exclusively on them. It is extremely difficult to find any published matter that deals with either of these cases in a meaningful way. Perhaps this is partly due to the paucity of material on the subject. The police and Home Office files are all recent openings; indeed the police file on Savidge’s arrest has only been made available in the last two years. However, some useful material is available. Given the scandal at the time, nothing, not even the suppression of official files, could be done to expunge them entirely from the public record.

Two sets of memoirs deserve mentioning: those of Kate Meyrick, whose book *Secrets of the 43* details her involvement in the Goddard case: and those of Lilian Wyles, a female police officer who had a minor role in the Savidge interrogation and a pivotal part in the subsequent enquiry. As a milestone in the



acceptance of women as part of Scotland Yard, it also merits a mention in Joan Lock's narrative history of the early female police, entitled *The British Policewoman: Her Story*. Although the most recent "official" history of the Metropolitan Police makes no reference to either incident,<sup>6</sup> the books of John Fitzgerald Moylan are eloquent in their defence of the conduct of Collins, albeit scathing in their denunciation of Goddard and fervent in the belief that this was an isolated case.<sup>7</sup> As Moylan was the Receiver of the Metropolitan Police District at the time, such an attitude is hardly surprising. The only recent book to really merit a mention, however, is James Morton's *Bent Coppers: The Story of Police Corruption*, who grapples with both topics as well as he could without being able to get at all the official files on the subject. His conclusions, which are tenable even in light of additional evidence, is that there was a serious culture of corruption in London of which Goddard was just one example, and the Savidge case was a classic example of a police cover up.<sup>8</sup> However, with new documentation many important details become clear, so it is more than worth investigating this subject in greater depth than Morton did.

Although the Goddard case has already been dealt with in an earlier chapter, this chapter begins with the Savidge case, simply because it is earlier in terms of time and had therefore a bearing on the conduct of the Goddard case, and especially the public reaction to it. The irony in this approach is, of course, that while Savidge was arrested, cleared, interrogated, brought before a tribunal and then faded into obscurity again in a comparatively short space of time, Goddard had taken bribes from nightclub owners for many years before he was finally caught, as was made clear by the huge amount of cash he possessed in

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<sup>6</sup> Gary Mason, *The Official History of the Metropolitan Police: 175 years of policing London* (London 2004). This is in fact less an historical dissection of its past and role than an exercise in modern political science designed to promote the current police system.

<sup>7</sup> See especially Sir John Fitzgerald Moylan, C.B., C.B.E., *Scotland Yard and the Metropolitan Police* (second edition London 1934) pp. 212-214 and 250-2 (for Savidge) and pp. 327-331 and 126 (for Goddard): cf. his *The Police of Britain* (London 1948) where he claimed that there was "no reason to think that the police were arbitrary or oppressive, or practised any form of "Third Degree."" (p. 37)

<sup>8</sup> James Morton, *Bent Coppers: A survey of police corruption* (paperback London 1994) p. 76 (for the "cover-up" conclusion) and pp. 79-81 (for the systemic problems exposed by the Goddard case).



addition to the assets he held as well. However, where one case has to come first, it is logical to examine them as the public did. After all, a scandal only really becomes a scandal when everybody knows about it.

This chapter, in the limited space available, cannot hope to follow every detail of both these cases, which were extremely complex and proved to have far-reaching consequences. What it will endeavour to do instead is to summarise the main facts of the cases, give some idea of the events as they unfolded, draw conclusions as to what really happened, and finally to assess whether the purity campaigns Joynson-Hicks unleashed were really to blame, as was clearly the belief of many at the time including several Labour Members of Parliament.

In the Savidge case the facts as they appeared at the time were straightforward enough. Hyde Park was routinely patrolled by police officers, who were trying to catch prostitutes and their clients, courting couples, homosexuals trying to have sex away from prying eyes, and anyone else who, in the famous phrase, “offended against public decency.” In May 1928 Joynson-Hicks claimed in Parliament, in answer to a question from S. Saklatvala, the MP for Battersea, that there were 21 police officers engaged in these duties in Hyde Park. In fact there is internal evidence to suggest that there were as many as 69 officers patrolling Hyde Park to watch for these offences at an annual cost of £25,000.<sup>9</sup> As we have seen in chapter 6, Joynson-Hicks was not always scrupulously honest in his answers to Parliament when he felt that public opinion of the police might be compromised if he told the truth – and his position was fragile enough at the time due to the events that are about to be described. He himself freely admitted later what he wanted to achieve by all this police activity– he wanted Hyde Park to be a place where a man could “take his daughters for a walk.”<sup>10</sup> It was one of the better-known aspects of his morality campaign, although not discussed in depth in this thesis for reasons outlined in the introduction.<sup>11</sup> However, in 1928 it all went rather horribly wrong.

On the 23rd April 1928 a former MP, indeed a former government minister, Sir Leo Chiozza Money, and a young woman of 22, a valve inspector

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<sup>9</sup> See NA HO 144/17752/512746/15, including a transcript of the *Hansard* entries for the 10th May 1928 (no. 7) and an undated internal memo giving the actual figures.

<sup>10</sup> Viscount Brentford, *Do We Need a Censor?* (London 1929) p. 7.

<sup>11</sup> See above, pp. 6-7



in a wireless factory, Irene Savidge, were arrested by police in Hyde Park for “behaviour likely to offend against public decency.” Reports of the trial in the newspapers were somewhat reticent as to the precise nature of the offence.<sup>12</sup> However, the transcript of the hearing could hardly be clearer. The specific allegation was that Money had his hand up Savidge’s skirt while she masturbated his naked penis. The defence disputed these allegations, stating that not only had Savidge been medically examined and found to be a virgin, but that on the day in question she had been menstruating and so would not have been likely to be interested in sex.

The case was brought before a stipendiary magistrate sitting alone at Marlborough Street Police Court, Henry Cancellor.<sup>13</sup> He made great play, in the hearing, of the fact that during the arrest a witness had overtaken the police as they led Money and Savidge away carrying Money’s umbrella, which had been left on the seat. The police had not attempted to get the name of this witness, as at the time Money had been struggling and both constables had had to hold him. On going back later they had been unable to find him. Quite how important this witness would have been is open to doubt, given that he must have been some distance off. Sir Leo had himself testified that there was nobody “within a length and a half of this Court away,” which was a vague description, estimated to be between twelve and thirty yards by the Commissioner of the Metropolitan police.<sup>14</sup> However, the magistrate made it clear that he considered this lack of a statement to be a serious omission, and that he had been deprived of crucial evidence. The magistrate also implied that he had doubts as to whether anyone would be fool enough (as Money and Savidge allegedly were) to commit graphic sexual offences on a deckchair under a streetlight when there was a huge dark area of grass just behind that they could have used. After hearing the evidence of

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<sup>12</sup> See for instance, “Sir Leo Money and a Woman,” *Daily Mail* 7th May 1928, which only says “Mr. Fulton described what the officers are alleged to have seen,” (cutting in NA HO 144/17752)

<sup>13</sup> Henry Lannoy Cancellor (1862-?). A barrister on the Western Circuit from 1888 to 1912, then a “revising barrister” from 1912 to 1914, he was a stipendiary magistrate from 1914 until 1929, sitting successively at West London Police Court (1914-1921) Thames Police Court (1921-1924) and finally at Marlborough Street (1924-1929) where he also occasionally assisted at Marylebone. Source: “London Magistrate’s Retirement,” *The Times*, 30th July 1929, p. 9. He does not appear to have been granted a *Times* obituary.

<sup>14</sup> William Horwood to Ernley Blackwell, 5th May 1928, NA MEPO 3/554



the two constables and Money, the magistrate dismissed the charges without putting Savidge into the box, thinking as he did so that he was sparing her “an ordeal.”<sup>15</sup>

He could hardly have been more wrong. The police, rather sensitive on the subject of perjured evidence (which is what the magistrate had implied: the descriptions the two police officers gave were so graphic that there could be no question of an honest mistake) following a case earlier in that same year when two other officers had been convicted of fabricating charges against a “girl who had “refused to be complacent with them””<sup>16</sup> now investigated whether they should bring charges of perjury against the arresting officers. This investigation was entrusted to a senior officer, Chief Inspector Alfred Collins. He claimed that he needed the evidence of Savidge in order to pursue his enquiries, and on the 16th May sent a car with a policewoman, Inspector Wyles, to her workplace in order to bring her to Scotland Yard. Savidge went willingly enough, but clearly with no idea of what lay in front of her. She was not given a chance to speak to her parents, who might have been alert to what was happening. When the car reached Scotland Yard Wyles was dismissed and Collins, with only a male detective sergeant in attendance, interrogated Savidge for four hours. He proceeded, allegedly, to make offensive remarks to her all the time, including, “Now you are a good girl and have never had a man, have you?” The ordeal so exhausted Savidge that she fainted on arriving home.

The following day the Labour MP for Dundee, Thomas Johnston,<sup>17</sup> raised the matter in the House of Commons. In a magnificent speech he tore apart the methods of the officers, and received backing from indignant MPs on both sides of the House of Commons. When Joynson-Hicks rose to reply he was received in dead silence. Knowing that he was in a totally false position, he

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<sup>15</sup> All this from the transcript of the hearing: “Sir L. C. Money and Irene Savage (sic): Charged with behaving in a manner likely to offend against public decency in Hyde Park” NA MEPO 3/554 (there are no folder references for much of this file)

<sup>16</sup> Morton p. 69

<sup>17</sup> Thomas Johnston (1882-1965) MP (Labour) for Stirling and Clackmannan West 1922-1924, for Dundee 1924-1929, and for Stirling and Clackmannan West 1929-1931 and 1935-1945; Lord Privy Seal 1931, Commissioner of Civil Defence (Scotland) 1939-1941, Secretary of State for Scotland 1941-1945, Chancellor of Aberdeen University 1951-1965.



made no attempt to exonerate the police officers concerned on the spot, and offered to set up an inquiry, with terms of reference formulated in association with Arthur Henderson and Sir John Simon.

The tribunal, composed of a newly retired judge, a Conservative MP and a Labour MP, took evidence over an eight day period. At the finish it was split, the judge and the Conservative exonerating the police and dismissing Savidge's allegations. The Labour MP accepted her version of events and made 15 practical recommendations for improvement in the treatment of witnesses. After yet more debate on the issues, the Government finally set up a Royal Commission on the subject, which introduced revised guidelines for the treatment of witnesses, especially female witnesses in sexual cases.

At the time, there were reasonable grounds for assuming that the police were not lying over the interrogation. The evidence of Wyles was pivotal. By asserting that she had not been immediately dismissed by Collins, but had gone later with Savidge's express consent, and that she could have been readily contacted in case of need, she smashed the evidence of Savidge to pieces. Later, however, she retracted this story and eventually gave a version that tallied at most major points with that of Savidge.<sup>18</sup> She covered up for her male colleagues, backing them against Savidge even though she told Collins it was something "which you did not deserve." The Labour MP, Lees-Smith,<sup>19</sup> had been shrewder. He noted that the police, unlike Savidge whose version of events never varied, "denied both the probable and the improbable with equal force."<sup>20</sup> And he was quick to seize on the unlikelihood of the notion that Wyles would

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<sup>18</sup> Joan Lock, *The British Policewoman: Her Story* (London 1979) pp. 161-163

<sup>19</sup> Hastings Bertrand Lees-Smith (1878-1941) MP (Labour) for Northampton 1910-1918, for Keighley 1922-1923, 1924-1931, 1935-1941; Postmaster General 1929-1931, President of the Board of Education 1931. After Attlee and his senior colleagues entered Churchill's coalition government in 1940, Lees-Smith was elected chairman of the backbench Parliamentary Labour Party (in effect, acting leader in Attlee's place). In this role he discharged the functions of the Leader of the Opposition, but was never formally recognised as such and was not paid a salary for his work. Andrew Thorpe, 'Smith, Hastings Bertrand Lees- (1878-1941)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Oct 2006

[<http://www.oxforddnb.com/view/article/66087>, accessed 25 Jan 2007]

<sup>20</sup> Tribunal report (published by HMSO) p. 24: copy in NA HO 144/17753a/512746/110



have volunteered to leave the interview merely to sit at the other end of a phone line until summoned, although he did not explicitly accuse her of lying.<sup>21</sup>

The case never really quite rested. Libel actions followed, with the original constables from Hyde Park claiming damages against those newspapers that had accused them of perjury, and Collins likewise pursuing those newspapers that had accused him of fondling Savidge (as part of a practical demonstration of what had happened in Hyde Park). The newspapers had little evidence, and either settled or were found guilty. The Metropolitan Police backed these officers throughout the civil cases, as can be seen from the way in which Commissioner Horwood kept pressing the litigants for updates.<sup>22</sup>

But practically none of this was straightforward. There were layers of confusion and deception, that make the entire case clearer in the sense of what happened, and yet perhaps less clear as to why it happened. With so much information on various aspects of this case, it is rather difficult to know where to begin trying to untangle the skein. However, it seems best to start at the beginning, with an explanation of how the case blew up into such epic proportions.

Money was not a good person to arrest. He was, allegedly, a personal friend of Joynson-Hicks's, and it was Joynson-Hicks, rather than his lawyer, whom he phoned upon being charged. When he was subsequently released, there were questions in Parliament (as well as being a former Liberal minister, he had been an unsuccessful Labour candidate in 1918).<sup>23</sup> The arresting officers, Constables Badger and MacLean, claimed that he said "I am not the usual riff-raff. I am a man of substance. For God's sake let me go."<sup>24</sup> Although this may have been a subtle appeal to their pockets, it was a serious threat. Money had many powerful friends, and it was not wise to offend him.

The police, as is made clear by the files, felt that the magistrate was one of those friends. The furious letters denouncing the magistrate as criminally

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<sup>21</sup> *ibid.* p. 30

<sup>22</sup> "How do the actions for libel stand? W(illiam) H(orwood) 10th August (1928?): "Libel proceedings by PCs McLean and Badger...in respect of articles in the Observer," NA MEPO 3/554

<sup>23</sup> Martin Daunt, 'Money, Sir Leo George Chiozza (1870–1944)', Oxford Dictionary of National Biography, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/55929>, accessed 30 Nov 2006]

<sup>24</sup> Quoted in Morton p. 68



negligent, partisan, and defamatory are perhaps best summed up by the letter of Wontner and Sons, the police solicitors in this case:

“Very early in the proceedings we felt that the learned magistrate was not going to be of any assistance to the prosecution, and as the case went on his leaning towards the defence became more apparent...Little of the cross-examination [of Badger and McLean] was to the point of the indecency, a great deal of it being in the form of criticism of the officers for not having attempted to obtain the name and address of a person who came up with Sir Leo’s umbrella...We might say here that as things turned out it would have been wise for the Officers to have obtained this man’s name and address, but neither the Officers nor Sir Leo Money ever suggested that the person who brought the umbrella was seen by them at the time of the arrest, and when Sir Leo was cross-examined by Mr Fulton he clearly said to Counsel that the nearest person to himself and the girl...was at a distance...we think, about 10 to 12 yards.”<sup>25</sup>

For a formal lawyer’s letter, this was strong stuff, roughly the equivalent of a police officer writing “the old fool must have been clean off his rocker.” But it was the prevailing attitude of the police. Horwood was equally outraged, writing to the Home Office to complain that this was not the first time Cancellor had gone against all the evidence to return a verdict against the police, and providing several examples to boot.<sup>26</sup>

Faced with all this confusion, the Home Office cut straight through the conundrum by writing to Cancellor and asking him to explain his verdict. Why, in particular, had he acquitted the defendants so readily? Cancellor’s reply was as follows:

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<sup>25</sup> Wontner and Sons to New Scotland Yard, 3rd May 1928, “Sir L. C. Money and Irene Savage: Charged with behaving in a manner likely to offend against public decency in Hyde Park” NA MEPO 3/554

<sup>26</sup> Horwood to Blackwell 5th May 1928, *ibid.*

“Dear Sir John Anderson

When in deciding the charge I said “I have come to the conclusion that the defendants are not guilty”, I had just heard Sir Leo Money’s evidence and believed that he had told the truth.

At this moment my mind was directed towards the question of whether Miss Savage [sic] should be exposed to the ordeal of the witness box.

In my opinion the two police officers fancied in the first instance that indecency was taking place, pounced quickly on the defendants with a hasty accusation, and then had not the courage or wisdom to admit making a mistake, but gave false evidence to escape from a difficult position, created by the blunder of having made an unjustifiable arrest.

I state my opinion, in the hope that it may assist the Secretary of State in his determination to ascertain the truth, and I also hope this communication will be regarded as strictly confidential.

Yours sincerely H. L. Cancellor.”<sup>27</sup>

This obviously raised almost as many difficulties as it solved. Cancellor gave no explanation as to *why* he thought Money’s evidence was more trustworthy than those of the two police officers.

The trial transcript is understandably unhelpful on such points. It does not record facial expressions, or tone of voice, or nervous twitchings of the hands or eyes, that might be taken as an indication of the truthfulness or otherwise of a statement.<sup>28</sup> However, purely on the cold words of the paper, the magistrate made a peculiar decision. The story of the officers was consistent: that of Sir Leo was not. The officers did not give odd answers under cross-

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<sup>27</sup> Cancellor to Anderson, 5th May 1928 (written on top: “Seen by S of S”) NA HO 144/17752/512746/23

<sup>28</sup> As noted by Richard Rathbone, *Murder and Politics in Colonial Ghana* (Yale 1993) p. 98



examination: but Sir Leo seemed at times to be evasive.<sup>29</sup> It is quite possible that Cancellor regarded this as a fixed case given on formulaic evidence, something that happened very frequently in the 1920s in cases of this type, and a common cause of a charge being dismissed. But Cancellor had a reputation for peculiarity that extended well beyond formulaic evidence. On one occasion he had even returned a “not guilty” verdict in a case where no defence had been offered.<sup>30</sup> In fact, it seems most likely on the available evidence that it was Cancellor who was flinging about groundless accusations of perjury in order to deliver himself from the highly embarrassing position of being accused of bringing his office into disrepute. That might also explain why he insisted on anonymity, a demand he maintained in further correspondence with Anderson; somebody else might inquire as to how he reached this conclusion. Anderson, short of abusing his office, could not.<sup>31</sup>

Cancellor’s conduct of the case was certainly open to criticism. He had persistently harped on about an eyewitness so far away that he could not have seen anything. He had expressed surprise that anyone would ignore a nice big dark patch of grass and commit acts of indecency on a chair, despite the fact that the night was sufficiently wet for Money to have taken an umbrella with him, and that Money’s own evidence was that it had earlier been raining. And he had accepted irrelevant medical evidence that Savidge was *virgo intacta*, despite the fact that at no point had the officers alleged that they had seen sexual penetration.

In desperation, Anderson referred the case to Sir Archibald Bodkin, commenting, that “it is perjury or nothing and therefore for the D. of P. P.”<sup>32</sup> This was to prove the disastrous error that led to part two of the case. For Bodkin had reservations about making a decision on the evidence in court, and wanted more information. In his reply (typically, it was sent on the following day) he wrote:

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<sup>29</sup> Trial transcript *ibid*.

<sup>30</sup> Horwood to Blackwell, 5th May 1928, “Sir L. C. Money and Irene Savage: Charged with behaving in a manner likely to offend against public decency in Hyde Park,” NA MEPO 3/554

<sup>31</sup> See further letters 24th May 1928 – 1st June 1928 in NA HO 144/17752/512746/23

<sup>32</sup> John Anderson, memo of 9th May 1928, NA HO 144/17752/512746/23

“I have heard a story as to Sir L. M. – not to his credit, indeed of indecent behaviour on another occasion. This came from Sir W. Childs – and before charging two reputable P.C.s with perjury I should like of course to know the reputation of the only two witnesses against them. This enquiry must be done through the police – I can fully trust any CID chief officer to go fully into the case – although it is one which may be to the discredit of the Police Force. The enquiries would be known and the papers will get hold of them. But if you see no objection I would get hold of some Chief Inspector and set him to work. I should like to know the views of Sir L. Money – as to a prosecution a failure in which would be very prejudicial to him. If I were to lay an information for a magistrate to consider...I should have to see the full statement of Sir L. M. and the girl and go fully into this somewhat unusual acquaintanceship. These statements could take in [?be taken in] my office, but police assistance is necessary in addition.<sup>33</sup>

And that was precisely what Horwood did. Bodkin’s touching faith was to have highly unfortunate consequences.

James Morton’s comments on the original incident were anything but censorious. But he had a very clear opinion of what followed. His remarks are worth quoting at length:

“With hindsight, it is possible to reconstruct the Savidge affair in a number of ways. Given the circumstances of the arrest it is certainly possible that the arresting officers believed what they saw and that deliberate perjury can be eliminated...What is absolutely clear is that the behaviour of Collins when he investigated the arrest has all the hallmarks of a police cover-up.

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<sup>33</sup> Bodkin to Anderson, 10th May 1928 *ibid.*



He was determined to exculpate his officers and, at some cost to himself, he did so.”<sup>34</sup>

The ruthless honesty of that last passage shows how far Bodkin’s faith was misplaced. Collins was not very interested in the justice part of the equation.

Lilian Wyles, writing some twenty-five years later, was also to throw up almost as many questions as she answered. However, her book is practically the only source for what happened among the police officers themselves apart from the formal statements that, obviously, are somewhat limited in scope as regards times and attitudes. Wyles asserted that she was waiting at Marylebone police court to support two girls giving evidence in a case of indecent exposure when Collins rang up and demanded that she be ready to accompany him to New Southgate in order to fetch Savidge to Scotland Yard. He then turned up in person, and when the police solicitor insisted that Wyles remain until the girls had given evidence he spent his time “railing against...this ridiculous instruction that I must accompany him and Sergeant Clarke [sic] in the car to New Southgate.”<sup>35</sup>

It is here that the story is complicated by the conflicting pieces of evidence. In her book Wyles asserted that she went to New Southgate with Collins and Clark. In her statement, Savidge insisted that she had been accompanied back by a local officer from New Southgate Police Station, Wyles and “an Inspector Clark.”<sup>36</sup> Statements that Clark, Collins and Wyles made at the time agreed that Clark and Wyles, supported by the local officer, had gone to fetch Savidge, with Collins only coming in for the actual interrogation at Scotland Yard itself.<sup>37</sup>

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<sup>34</sup> Morton p. 76

<sup>35</sup> Lilian Wyles, *A Woman at Scotland Yard: Reflections on the struggles and achievements of thirty years in the Metropolitan police* (London 1952) p. 184

<sup>36</sup> Statement of Miss Irene Savidge, in “Inquiry of tribunal re Interrogation of Miss Savidge at C.O.: report on proceedings with newspaper extracts,” NA MEPO 3/554. This mistake is all the more confusing because she said that his “identity card” gave him as Inspector Clark.

<sup>37</sup> Statements by Clark, Wyles, and Collins (Clark’s and Collins’s dated 17th May 1928, Wyles’s undated) NA HO 144/17752/512746/31b

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This disorder highlights three things. Much the most likely reason for Savidge's confusion over Clark's rank is that she was still exhausted and muddled by her ordeal of the day before. The Personnel officer at the factory where she worked, Edward Saxe, got both Clark's rank and the number of people in the party right.<sup>38</sup> In the case of Wyles, it is much harder to understand. It is possible that the lapse of time may have blurred her recollections of the event, but it is surprising that, if that is the solution, she was so definite about Collins turning up to collect her from the police court and throwing a tantrum when he could not take her off instantly. As Joan Lock, herself an ex-policewoman, pointed out, this was "a new element...something not even Savidge had claimed."<sup>39</sup> Another possibility, one that Lock herself seemed inclined to accept, is that Wyles was being deliberately controversial in order to sell more books.<sup>40</sup> That is plausible, but it seems rather a clumsy way of doing it. Agreeing with the statements of a controversial witness was one thing. Doing what would have to be a glorified pick-and-mix of fact and fiction would be quite another.

It is unclear from the official record whether or not Savidge was effectively forced into going. Saxe, who seems to have had no motive for lying, thought that she went willingly.<sup>41</sup> However, as is evident from the statements of Wyles at the time and later, Savidge was given no chance to talk to her parents.<sup>42</sup> Although Savidge appears to have made no specific demand to talk to her parents, she was obviously nervous and expressed a repeated wish to go home and change, or just speak to her mother. According to Wyles, it was Collins who refused this request.<sup>43</sup> According to Savidge, it was Wyles herself who did all the persuading:

"Inspector Clark was accompanied by a lady a Miss Wild [sic]  
and I suggested to her that I should first go home and change

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<sup>38</sup> Statement by Edward Saxe, 17th May 1928, *ibid.*

<sup>39</sup> Joan Lock, *The British Policewoman: Her Story* (London 1979) p. 163

<sup>40</sup> *ibid.*: she wrote that "Wyles decided to tell the truth (or agree with Miss Savidge's statements)".

<sup>41</sup> Statement by Saxe *op. cit.*

<sup>42</sup> Wyles p. 187

<sup>43</sup> *ibid.*

into another coat, but she said that this was entirely unnecessary and I therefore accompanied Inspector Clark with Miss Wild in a car which was driven by another man."<sup>44</sup>

At any rate, it was clear that Savidge was not to be allowed home. She was instead taken straight to Scotland Yard, where she claimed she met with Collins for the first time.<sup>45</sup> Again, the likeliest explanation is that, despite ostensibly being a "modern," independent young woman, Savidge simply had no idea of what might be lying in wait for her, or that she should have a legal representative present. Although the way in which she kept trying to persuade her escort to go home in order to change might be – indeed has been – viewed as a coded plea to speak to her mother,<sup>46</sup> it seems far more likely that it Savidge wanted to go home to change her clothes so that she would feel more comfortable and on more level terms with her questioners. In the 1920s, especially for women, clothes were a strong indication of status; the wrong sort of clothes therefore meant a loss of status.<sup>47</sup> Wyles is worth considering on this subject:

"Irene Savage [sic] was neatly and tidily clad, but she was wearing her working clothes and this fact worried her. She very much wanted to go home and change into something smarter before going on to Scotland Yard...[Collins] would not agree and the car continued on direct to the office. I think his refusal of a perfectly reasonable request was a mistake though I understand why he refused."<sup>48</sup>

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<sup>44</sup> Statement by Irene Savidge, 23rd May 1928, "Inquiry of tribunal re Interrogation of Miss Savidge at C.O.: report on proceedings with newspaper extracts," NA MEPO 3/554

<sup>45</sup> Obviously, this again conflicted with Lilian Wyles's later account.

<sup>46</sup> Morton p. 71 (by implication, saying that Savidge was "refused permission" to go home and change): Lock p. 159 (again by implication).

<sup>47</sup> I am indebted to Professor Angela John for pointing out this aspect of Savidge's request, an explanation that would certainly never have occurred to me.

<sup>48</sup> Wyles p. 187



This was therefore directly opposed to what Savidge herself said at the time. Most probably, Wyles had either forgotten her role in this particular manoeuvre or recast it in order to show herself in a more favourable light. The reason for Collins's behaviour would be eminently understandable; he did not want Savidge's parents butting in on her interrogation and refusing to let her go to Scotland Yard. However, as we have established already, almost all the most reliable evidence points to the fact that he was not there. Wyles, it would seem, must take the blame for preventing Savidge from seeing her parents before her interrogation.

All accounts at least agree that Wyles was dismissed upon their arrival at Scotland Yard, leaving Collins and Clark alone with Savidge. Savidge's own account of what happened next is that the officers proceeded to interrogate her for more than five hours without having any other witnesses present. During this period she became so exhausted that, rather than dispute statements that she subsequently described as false, she simply let the police write them down. The questions asked became more and more personal as time went on, including questions about her underwear, and whether she was wearing a short or a long petticoat on the night in question. Finally, she alleged that towards the end of the interview, Collins had proceeded to "demonstrate" what he meant by his insinuations and allegations. Specifically, he presaged his offensive (in more ways than one) with the comment, "Now you are a good girl and have never really had a man, have you? But there are a lot of things you can do without really sinning." He then proceeded to put his hand on her knee, put his arm around her, and all the while make offensive remarks about her moral character.<sup>49</sup> The ordeal she endured over these five hours was so great that according to the man who took her case to Parliament, she fainted upon arriving home.<sup>50</sup>

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<sup>49</sup> *ibid.*

<sup>50</sup> "Miss Savidge's 5 Hours at Scotland Yard: M.P. discloses her amazing story," *Daily Mail* 18th May 1928, cutting in NA HO 144/17752/512746/34. I have been unable to establish exactly why it was the MP for Dundee who raised this matter; presumably there was some kind of link with Savidge's family or friends, or more likely with Money (a former Labour Parliamentary candidate).

The case lost no time in being transferred to Parliament. The Labour MP for Dundee, Thomas Johnston, raised it on the 17th May. Although hardly a great name on the stage of history, he managed to find some true fire that night:

“The Labour party had raised this discussion not because they had the slightest concern with what was known as the “Money case” or the “Hyde Park case.” Their concern was that they should take whatever steps could be taken by the House to preserve what civil liberties we still possessed, and it was their duty to offer determined and resolute opposition to anything in the nature of the Cheka [the Russian-Soviet terrorist secret police], a Turkish system, Star Chamber methods, or what was known in the United States as the Third Degree.”<sup>51</sup>

Unsurprisingly, he found a good deal of support on both sides of the House of Commons and outside. The press were ecstatic. This was a major scandal for them to get their teeth into, and they did not waste the opportunity. The more right-wing press led with praise for the House of Commons as an institution. The *Daily Mail* declared that:

“The debate was a triumph for the House of Commons. It came into being in defence of the liberty of the subject. Nothing more sensational or passion-provoking has been witnessed in this Parliament.

Members of the House of Commons may be of little account when the Government has decided on new legislation or on new taxation, but in the great and final issue of human freedom their voice is supreme. Members felt this tonight. It is probable that in history this parliament will be remembered by this debate.”<sup>52</sup>

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<sup>51</sup> *ibid.*

<sup>52</sup> “Miss Savage’s 5 Hours at Scotland Yard,” *op. cit.*



On the left, the *Daily Herald* had a good gloat that the Labour Party had finally achieved something, but added something more. After 1924, when the parties of the Left had been almost annihilated, the Conservatives had been all-powerful in Parliament. However, here was a Labour MP severely embarrassing the Home Secretary, the most senior of the right-wing Die-hards. In its lead article it went further than Johnston had done. It called for a scalp:

“Sir William made one further statement of deep significance, in reply to Mr MacDonald. It was this:-

If the police, even under the instructions of the Director of Public Prosecutions, have acted wrongly towards this lady, I am ultimately responsible.

We may take it, therefore, that, when the case is sifted, and if it is found that the police are guilty of this amazing procedure, the necessary disciplinary action will be taken against the offending officers and the Director of Public Prosecutions, and that the Home Secretary will resign.”<sup>53</sup>

This might have been written off as the words of a Socialist organ desperate to clutch at any straw in order to embarrass the government. However, one other paper, one in no sense Socialist (albeit in no sense either a friend to the Baldwin government) came to the same conclusion. The *Daily Express* thundered an equally fierce denunciation of Savidge’s interrogation, and concluded with an ill-veiled threat:

“The “voluntary statement” that is made after five hours’ questioning by detectives has an ugly sound. It smacks far too much of the methods used by the New York police on the East Side gunmen. We write this realising that Scotland Yard has not been given a chance to make its explanation. But it would be as well for the Home Secretary and the Commissioner, Sir William Horwood, to realise that no one, no matter how highly

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<sup>53</sup> “Miss Savage” Lead article, *Daily Herald*, 18th May 1928, cutting in NA HO 144/17752/512746/34

placed, can be allowed to escape the most searching inquiry. Scotland Yard may produce complete justification for methods which appear inquisitorial and un-English. If Scotland Yard fails to do so, then judgement must fall not only on those who administer the system but those who inspire it.”<sup>54</sup>

Only these two papers picked up on this point. However, it is an extremely important point, and one that deserves underlining. Joynson-Hicks was directly responsible for the Metropolitan Police, and for them alone out of all the police forces of England, Wales and Scotland.<sup>55</sup> All other forces were administered by the immediate local authorities: especially the county councils (including the county borough councils) and the city councils. However, the Metropolitan Police, as the largest and most important force, was the benchmark for all other constabularies to aspire to. Therefore it must be held to a high standard. In the event of serious constitutional errors, such as this one, they would be held politically accountable. In the British system, that means that the Minister responsible for them to Parliament would have to resign. This way Parliament could hold the government institutions to account, and be held accountable to the electorate for their own actions. It is the bedrock of representative democracy.<sup>56</sup> Both the *Herald* and the *Express* were quite correct to call for Joynson-Hicks’s head in the event of the charges against Scotland Yard being proved. Given how badly his entire department had blundered – trying to force a magistrate to break confidentiality, believing charges that had been thrown out, foolishly entrusting an inquiry into the police to the police themselves, however good the reasons behind these decisions were – the demand for Joynson-Hicks’s resignation was an eminently reasonable one, and Joynson-Hicks was very lucky to escape unscathed.

Even before he had been attacked in this way, Joynson-Hicks had clearly become uneasy at what had happened. Prior to the debate, he had summoned

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<sup>54</sup> “The Scotland Yard Inquiry,” *Daily Express*, 18th May 1928, cutting in NA HO 144/17752/512746/34

<sup>55</sup> Northern Ireland, at that stage officially still part of the Kingdom of Ireland, as a self-governing province had a different system again.

<sup>56</sup> The most recent example of this principle in action at the time of writing was the dismissal of Charles Clarke over the foreign prisoners scandal, May 2006.



Collins, Clark and Wyles to his office in Parliament so that he could interrogate them himself. Much of the later confusion stemmed from what happened in this questioning. Rather than tell the truth, Wyles, on her own later admission, backed Collins, saying of him “nothing but good.”<sup>57</sup> The curious thing is that in her book she insisted that it was the truth. She subsequently repeated this statement to the tribunal, insisting that she had left to perform other duties, rather than being “dismissed” by Collins as reported in Savidge’s statement (although Collins himself said that he “dismiss(ed) the lady police officer as she had other duties to do, but she was about if required”).<sup>58</sup> The accounts of Collins and Clark were much more straightforward. Clark’s in particular is a model of how to say nothing at all. It can be easily quoted in full:

“I was introduced to the Manager by a local officer.

The Manager sent for Miss Savage. I explained to her in his presence and he said to her, have you any objection to going down. She was quite willing to come. There was no question of communicating with her mother.

At that time the manager turned to her and said –  
Nobody in the firm, Miss Savage, knows who these gentlemen are, so it would be just as well if you said nothing to anybody.<sup>59</sup>

She went out of the room to put on her overcoat and hat and was given a pass out check to leave the firm.

She was gone about 10 minutes.

I saw her in a room just inside the gates of the firm.

On the way to Scotland Yard I was in front with the chauffeur and she sat with the lady inspector.

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<sup>57</sup> Wyles p. 196.

<sup>58</sup> See Savidge’s statement, op. cit.: also the statements of Woman Inspector Lilian Wyles (?17th May 1928) and Detective Chief Inspector Alfred Collins, 17th May 1928, both in NA HO 144/17752/512746/31b. The best attempt at cutting through the tangle of this evidence is in Lock, pp. 158-60, 163, although it raises questions rather than answering them.

<sup>59</sup> Added by hand: “I myself made no such request. WHC” (presumably W. H. Clark).

About 5 p.m. I think she said her mother was expecting her home about quarter to 6.

On the way home I was sitting again in front with the chauffeur [sic].”<sup>60</sup>

The studied deliberation and utter uselessness to the matter in question of this statement brings to mind a motion analogous to that of washing hands. Clearly Clark had seen that the entire interview had blown up in the faces of the Metropolitan Police, and wished to be dissociated from it.

Collins was not afforded this luxury. He had to say what had happened: or alternatively, say what he wanted to be believed had happened. He in fact made three statements in total, in order to clarify certain points that were raised to cast doubt on the veracity of his story. Denied the option of silence, he elected to go on the attack, and adopted the simple tactic of denying everything in plain and forceful language:

“I made no suggestion whatever that on the evening in question she had had so much to drink that she had no clear recollection of what was alleged to have taken place in the park.

I did ask her what she was wearing on that evening, but I did not ask her to show me her underclothing; nor did I ask her to stand up [n]or did I inspect or examine her clothing.

I asked her no questions as to her sexual relations with men.”<sup>61</sup>

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<sup>60</sup> Statement of Detective Sergeant Clark of New Scotland Yard, 17th May 1928, in NA HO 144/17752/512746/31b.

<sup>61</sup> Statement by Collins on 17th May 1928 (not as above: one of three in the same folder on the same subject) in NA HO 144/17752/512746/31b. He did however admit that he had asked Savidge what She and Money had had to drink on the evening in question, but insisted that the “bottle of wine” noted in the answer was her own suggestion.



This denial was one that he was to repeat before the Court of Inquiry, and one that was to lead to much of the subsequent confusion in the case.

Bolstered by this evidence Joynson-Hicks; who when he stood up to reply to Johnston was received in the dead silence so ominous to the parliamentary ear;<sup>62</sup> was willing to concede an inquiry. It is a fair assumption that had the officers not denied Savidge's story, he would not have done so. There is but little use holding an inquiry to establish what has already been agreed upon. But, as Joynson-Hicks put it, there was "a quite definite challenge of truth between those for whom Mr. Johnston has spoken and these two police officers."<sup>63</sup> Clearly the matter could not be left at this impasse. But, equally, although the *Daily Herald* declared that Joynson-Hicks "was evidently greatly shocked at what had been alleged,"<sup>64</sup> he was still on the side of the police, and expected the inquiry to clear them, saying:

"You will remember that on the character of the police force depends a very great deal of the life of this great metropolis. If it can be established for one moment that charges of this kind are true it will be a very great slur upon the police force, and a disgrace which I don't hesitate to say they will take some time to live down.

I say sincerely from the bottom of my heart I hope the result of the inquiry will not be to cast that slur. On the other hand the complainants are entitled to have that inquiry, so at once I accept the suggestion of Mr Johnston."<sup>65</sup>

Joynson-Hicks also agreed to liaise with the principal Opposition spokesmen for Home Affairs, Arthur Henderson and Sir John Simon (both of whom were themselves former Home Secretaries) over the make-up of the tribunal, which he

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<sup>62</sup> "Miss Savage's 5 Hours at Scotland Yard" *Daily Mail* op. cit.

<sup>63</sup> *ibid.*

<sup>64</sup> "Home Secretary Agrees to Labour Demands," *Daily Herald* op. cit.

<sup>65</sup> "Miss Savage's 5 Hours at Scotland Yard" op. cit.

proposed should be chaired by a judge.<sup>66</sup> The net result was therefore an attempt to take the politics out of the situation.

But the entire process was fraught with acute difficulty. The first problem lay in framing the terms of reference for the inquiry. Originally it was proposed:

“That it is expedient that a Tribunal be established for inquiring into a definite matter of urgent public importance, that is to say, the conduct of the prosecution of Sir Leo Money and Miss Savidge and the evidence given therein, and the action of the police in connection with their interrogation of Miss Savidge on the 15th Day of May, 1928.”<sup>67</sup>

However, there was one highly significant drawback to this phrasing, as Sir John Simon pointed out: it practically retried the original offence that Money and Savidge had already been acquitted of, something illegal under British law at that time and indeed until recently.<sup>68</sup> The final draft removed all reference to the original arrest in Hyde Park, much to the dismay of the two police officers concerned who had hoped to be able to clear their names by giving evidence again.<sup>69</sup>

It also proved to be quite difficult to find three satisfactory officials to sit on the tribunal. Eventually, Joynson-Hicks was able to report to the Cabinet that he had agreed with Henderson and Simon to appoint Sir John Eldon Bankes, a newly retired judge, as chairman, with J. J. Withers MP<sup>70</sup> as the Conservative member and H. B. Lees-Smith MP<sup>71</sup> representing Labour. It appears that both Henderson and MacDonald approved of these appointments.

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<sup>66</sup> *ibid.*

<sup>67</sup> Draft resolution, in NA HO 144/17752/512746/56

<sup>68</sup> Sir John Simon to Sir William Joynson-Hicks, 21st May 1928, in NA HO 144/17752/512746/56

<sup>69</sup> PCs Badger and McLean to their Divisional Chief Inspector, 24th May 1928, in NA HO 144/17752/512746/64

<sup>70</sup> Conservative MP for Cambridge University and a practising solicitor, noted for his fair-mindedness and his support of women's causes including the Equal Franchise Act: S. M. Cretney, 'Withers, Sir John James (1863–1939)', *Oxford Dictionary of National Biography*, online edn, Oxford University Press, May 2006 [<http://www.oxforddnb.com/view/article/95283>, accessed 25 Jan 2007]

<sup>71</sup> See above p. 252 for biography.



The tribunal sat for six days, and failed to reach a verdict. Two reports were eventually presented. Bankes and Withers exonerated the police (specifically Collins) of overt wrongdoing. Their verdict was that Savidge had probably been tired, overwrought and nervous, and that she was probably guilty both of confusion and exaggeration. However, both were sharply critical of the decision to take Savidge to Scotland Yard. Both considered that she had not been fully informed of what she was letting herself in for. Above all, they were emphatic that Wyles should not have left the room. It was recommended that in future a woman police officer should always be present at the taking of a statement from a woman on “matters intimately affecting her morals” unless the witness specifically asked otherwise.<sup>72</sup> Lees-Smith went the other way, accepting Savidge’s story. He described her as the more credible witness, dismissing the police evidence as something that “denied both the probable and the improbable with equal force.”<sup>73</sup> He also expressed incredulity that Wyles should have been asked to leave the room when she clearly had no other duties to perform, and was only going to sit at the other end of the telephone line. His final verdict was that Savidge was asked many things that the officers had no right to ask her, and that her answers were twisted into misleading forms.<sup>74</sup> Fifteen practical recommendations for reform were included, ranging from a tightening of the rules on interrogating witnesses to a recommendation that in future the police should not be asked to investigate their fellow officers, and that the Director of Public Prosecutions needed his own coterie of investigators for this purpose. He also agreed with the third point of the majority report.<sup>75</sup>

Faced with all this mass of suggestions, it is perhaps not surprising (albeit depressing) that Joynson-Hicks elected to ignore the minority report. He was hardly proactive in implementing the majority report either. A new order was added to the book of Metropolitan Police Orders (number 72a) giving effect to their recommendation that in future a woman police officer should always be present at the taking of a statement from a woman on “matters intimately affecting her morals”, but within two years it was found superfluous and was

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<sup>72</sup> Majority report, published by HMSO in 1928, copy in NA HO 144/17753a/512746/110 (p16)

<sup>73</sup> *ibid.* p. 24

<sup>74</sup> *ibid.* p. 30

<sup>75</sup> *ibid.* pp. 30-32



withdrawn.<sup>76</sup> Therefore it may be said that the Savidge case was a tempest in a teacup, for all the turbulence it caused at the time.

The question remains: what really happened? In the original incident, the policemen's story stands up; at least to a point. Money was a known and notorious womaniser even at the time, as is made clear by the remarks of Sir Archibald Bodkin.<sup>77</sup> Five years later Money's notoriety became still more widespread when he was arrested again for kissing a woman against her will in a train; this time he was convicted.<sup>78</sup> It is not surprising that Bodkin felt torn two ways between what the magistrate thought and what his own knowledge suggested. Although the affair is more than a touch ludicrous; the sequence of an elderly man seduces a young woman under a light, is seen and arrested, and has someone else run after him with an umbrella that he has understandably forgotten, sounds like something out of *The Two Ronnies*; it is believable. Morton may have considered that this was "a cheap arrest," and that the two were arrested because they were an old man and a young girl in a park at night;<sup>79</sup> but it seems unlikely that two people merely sitting decorously in chairs would be arrested. The officers would have run the risk of arresting every father and daughter on an evening stroll through the park. Cancellor himself, with his previously noted bias against the police, is an equally unreliable figure. The odds are that there was no perjury involved, even though it is certainly not out of the question that the officers exaggerated what they saw in order to make a conviction more likely (the masturbation element is certainly much less plausible than the tale of kissing with a hand up the skirt). This was implicitly recognised by the civil courts when a libel action against *The Observer* was settled in the constables' favour.<sup>80</sup>

Collins is an entirely different matter. His account is certainly, as Lees-Smith noted, less credible than that of Savidge. Moreover, reading her statements it is hard to credit Savidge with the brains to think up the quite

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<sup>76</sup> See NA HO 45/13804/526103/9 for the recommendation to withdraw the order ("Recommendation XIV") and a copy of the order itself.

<sup>77</sup> See above pp. 256-257

<sup>78</sup> A file on this case was included in NA HO 144/17754/512746/141, presumably as a somewhat petty revenge on Money.

<sup>79</sup> Morton p. 76

<sup>80</sup> In MEPO 3/554



remarkable (and consistent) statement that she gave solely from her imagination (Lees-Smith thought they had an element of “child-like” simplicity and frankness about them).<sup>81</sup> To agree with Morton on this point, it was a classic cover-up.<sup>82</sup> Collins was trying to force Savidge to say things that would utterly discredit her, and it seems unlikely that he would have succeeded so well as he did without at least a measure of bullying. The tribunal was clearly stacked against a pro-Savidge verdict: the terms of reference meant that she would be the only material witness on her side against three police officers, all of whom were willing to be part of a cover-up. Although there is definitely a ring of “Establishment” against “Workers” in the way the verdict went, at bottom that imbalance of evidence is the probable cause of the confusion.

There were inevitable repercussions. Sir Archibald Bodkin, whose initial decision to investigate further had backfired so badly, resigned very suddenly eighteen months later, having been under pressure to go for much of that time. It seems that he was badly shaken by his mistake of effectively retrying the original case and the disastrous fallout from it. William Horwood did not officially resign: but when he officially retired in 1929 on the grounds of age he was replaced by an older man, Lord Byng of Vimy. It is hard to believe that his retirement was voluntary or unconnected with the Savidge case.

But there was a more positive side. Officers – including Collins himself – were a good deal more careful in future to have women officers present at the interrogation of female suspects and witnesses. And for Lilian Wyles, it marked the moment when she became accepted as a proper police officer, not some peculiar auxiliary of ambivalent status. Collins, indeed, became a friend that she valued highly. So, although the ill-treatment of one young woman was a shameful episode, nobody could deny that it had positive, albeit unintended, side effects.<sup>83</sup>

The case of George Goddard was wholly different. It was a scandal that had been rumbling around for years before coming to a head. Finally, a combination of factors – the increasing restiveness of Joynson-Hicks at the

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<sup>81</sup> Minority report op. cit. p. 24; also quoted in Morton p. 73

<sup>82</sup> Morton p. 76

<sup>83</sup> See Lock p. 163 and Wyles pp. 202-3

peculiar shortcomings of his drive against nightclubs, an anonymous letter, and the growing suspicion of Goddard's superiors at the top of the Metropolitan Police – conspired to bring the case entirely into the open. As far back as 1922 a young officer named Josling had reported to his superiors that Goddard had ordered him to leave street-bettors alone. The superiors were furious, held an inquiry, and dismissed the officer concerned. That officer was not Goddard, but Josling. Charged with making false statements about a superior officer, he was condemned and sacked.<sup>84</sup> The snag was, as became painfully apparent in 1928, with the police still shaken after Savidge, that Josling was almost certainly telling the truth.

The basic facts of the Goddard case concern less police cover-ups (like Savidge) and more a systemic failure of action. On the 27th February 1928, Goddard wrote such a glowing report on Kate Meyrick's "Forty-three Club" that his superiors, already becoming suspicious, seem to have taken alarm. Horwood, writing to Joynson-Hicks on the subject, declared that, although he was still fully confident in the Soho police, he was considering replacing the men policing the nightclubs with men from outside the Division.<sup>85</sup> Joynson-Hicks himself had already been desperately chivvying Horwood for some action over Meyrick, who in the word of Ronald Blythe, "flourished."<sup>86</sup> But the final tipping-point seems to have come on the 23rd September 1928, when the following anonymous letter was received by the Commissioner:

"Dear Sir

I am desirous of bringing a matter of great public importance to your direct notice in order that you may cause immediate necessary action to be taken. It concerns the activities of Sergeant Goddard of Marylebone Station, who not only accepts bribes for services made and offered, but has financial interests in some of London's most notorious nightclubs. Goddard resides in his own freehold residence in Streatham, and he also owns a

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<sup>84</sup> Morton pp. 79-80

<sup>85</sup> Horwood to Joynson-Hicks, 5th March 1928 NA HO 144/17667/471675/9

<sup>86</sup> Blythe p. 35. As usual, he exaggerated in saying that Meyrick was the only nightclub owner to escape the attention of the police, but she was certainly the most notorious.



beautiful Chrysler motor-car. His brother-in law is also in business provided by money supplied by Goddard. No notice was taken of my last letter to the authorities, and before approaching the political candidate for this constituency I am prompted to write this letter to you. I suggest that you call on all officers under your personal control to inquire into this communication.”<sup>87</sup>

This reference to “my last letter to the authorities” presumably implies that the same letter writer had earlier been in direct contact with Goddard’s immediate superior. Goddard had obviously seen some such letter; in a report that Horwood forwarded to Joynson-Hicks in March, Goddard referred to anonymous letter writers making “insidious lying and unfounded allegations against Police who are powerless to defend themselves owing to the cunning of writers of complaints hiding under the cloak of anonymity,” (his errors of punctuation and grammar).<sup>88</sup>

However (presumably in April or May 1928) what is described in the files as “a non-police spy” infiltrated the Cecil Club at 43 Gerrard Street and subsequently successfully claimed £30 in expenses, a sign perhaps that this infiltration bore fruit.<sup>89</sup> What is certain is that in May 1928 Kate Meyrick finally suffered another raid by the police. Horwood was extremely pleased with the initial result (which was to confine Meyrick to prison for 6 months and hand her a stiff bill of costs) even though the club was promptly reopened in the same building under another name.<sup>90</sup> But this raised an awful lot of questions. Norman Birkett, hired to defend Meyrick, asserted that “the police have had nothing to report against Mrs. Merrick for practically three years...Surely we may be entitled to assume that for this period she has not been ‘an inveterate law-breaker.’”<sup>91</sup> However, the police could not assume that. They had had a glowing

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<sup>87</sup> Quoted in Morton p. 77

<sup>88</sup> Report on 43 Gerrard Street by Sergeant Goddard, 27th February 1928, NA HO 144/17667/471675/9

<sup>89</sup> See NA HO 144/17667/471675/14

<sup>90</sup> Horwood to Under-Secretary of State Home Office, 4th July 1928 NA HO 144/17667/471675/13

<sup>91</sup> *Daily Express*, 23rd June 1928, in NA HO 144/17667/471675/12

report of her premises less than three months before. Clearly something was very wrong somewhere, and the evidence suggested that that somewhere was Goddard.

Goddard had previously insisted to his superiors, when they asked him how he funded his lavish lifestyle, that he had made his money through thrift, coupled with intelligent or lucky betting on the horses in the years after the war, using money that his wife had inherited, and had subsequently speculated on the foreign exchanges. However, the anonymous letter writer had an effect on this complacent thinking. Goddard was ordered to make a full list of all his contacts in this regard. Meanwhile, Chief-Inspector Cooper was ordered to investigate Goddard's personal finances.

Far from confirming Goddard's unlikely stories, Cooper finally found the evidence to bring Goddard down. He uncovered a huge network of safe-deposits under a variety of names in which Goddard kept vast sums in cash.<sup>92</sup> On October 26th, 1928, Cooper and Chief Constable Wensley confronted Goddard, informing him that his safes had been discovered and that Goddard was to go with Cooper and bring the contents of those safes for inspection. "Upon that Goddard reeled as if he was about to faint. Recovering himself quickly, he said, "I am done for."<sup>93</sup>

Done for he truly was. The notes seized by this move were traced. Mostly they were traced to nightclub owners, whom Goddard had plainly been bleeding white in an extensive protection racket stretching back years. Allegations that Goddard had been running a similar system for brothel keepers and street betters, while very probably true, were not substantiated in the same way.<sup>94</sup> Meyrick, ill in hospital, passed a frantic note to her daughter, "Beware of the notes!" Unsurprisingly, the daughter did not understand this cryptic communication, but Meyrick was correct; some of the notes were traced back to

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<sup>92</sup> In fact two of them (at Selfridge's) were in Goddard's own name. However, it appears that he took fright upon seeing the anonymous letter and transferred large sums of money to another deposit rented in the name of Joseph Bankes.

<sup>93</sup> "Police Bribery Charges. Three Defendants At Bow-Street; Case For Prosecution," *The Times*, Tuesday, 4th December 1928; pg. 11; Issue 45067; col A. This article has been the source for most of the information in the previous two paragraphs

<sup>94</sup> *ibid.*



her, and she duly stood trial with Goddard.<sup>95</sup> The two of them, along with another nightclub owner, were all convicted, fined, and imprisoned.

The Goddard case has already been dealt with at some length in an earlier chapter, and there is no need to go over it in detail again.<sup>96</sup> However, there are several important points to bear in mind that were not relevant in chapter 6. Most significantly, Goddard was hardly a victim of Joynson-Hicks. He had almost certainly been running his protection racket for at least six years, probably much longer – ever since Josling's first, abortive attempt to blow the whistle in 1922. He had found himself a nice little earner. However, the drive against nightclubs must have made his services even more valuable to the nightclub owners. Although I have found no evidence of such a change, it seems logical to assume that his scale of fees rose as the demands for punitive action from the Home Office became louder and more insistent. Unlike Savidge, who was caught in forces she could not understand or control, or Collins, who was doing what he clearly thought was his job (exonerate his fellow officers) Goddard was out to feather his own nest. At that he was evidently very successful.

However, there is an aspect in the Goddard case that was missing from the treatment of Collins, the man most at fault in the Savidge case. When Collins blundered so badly, the police rallied round him. Even Lilian Wyles, who of all people had little reason to love Collins, defended him in front of a tribunal. But Goddard was coldly and quite ruthlessly thrown to the wolves. Even though this may have been less a prejudice than a necessity, given how fragile public confidence in the police had become after Savidge and how serious his crimes were, there is still something almost shocking in the way he was attacked years after his case was over.

The process of the law and the law-enforcers was vindictive right from the start. Part of Goddard's sentence included, understandably, a heavy fine and the payment of substantial costs, amounting in total to £2000 for the fine and at least as much again in costs.<sup>97</sup> He would also, of course, have to forfeit the

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<sup>95</sup> Kate Meyrick, *Secrets of the 43* (second edition Dublin 1994) pp. 161-2

<sup>96</sup> See above, chapter 6.

<sup>97</sup> Costs were put at £2589/11/5 by Goddard's solicitor: see Freke Palmer (solicitor) to Treasury 15th May 1929, NA HO 144/12266/532055/26. For the



money he was convicted of receiving in bribes, which amounted to a further £925.<sup>98</sup> All told this added up to about five and a half thousand pounds, very substantial money considering that originally the total sum in cash seized was £12,471/10.

But there was a trifling problem. Upon Goddard's arrest all that money had been seized, and now the Home Office was trying to hang on to the full amount, regardless of the fact that over half of it still, in theory at least, belonged to Goddard. As James Morton noted, "Goddard certainly could not have come by this money honestly."<sup>99</sup> In fact, even to earn it dishonestly he must have been working overtime. But it had not been proven to be the proceeds of crime, however obvious it was that a man on a maximum of £6/15 a week could not have saved it up himself.<sup>100</sup> Finally, after his release Goddard brought a lawsuit to recover what was left of his money. On the 11th December 1929 Mr Justice Rowlatt of the King's Bench division ordered that the balance of the original money, less outstanding fines, costs and money proved to be the proceeds of crime, should be paid to Goddard. But even here, the judge, officially impartial and giving judgement for Goddard, cut the former sergeant's solicitor dead with the words, "I am trying to hold the scales very evenly. I don't like your client."<sup>101</sup> Such a public expression of hatred and coldness from a bench that must be regarded as at least quasi-sympathetic to Goddard is nothing short of astonishing, and shows the very deep hatred that Goddard had inspired.

Even before this judgement, the seizure and holding of his cash had caused problems for Goddard's wife. In fact, in order to pay his fine his assets, his house and furniture, were seized. This prompted her MP to write to Joynson-Hicks irritably, commenting that the action was "a little low" and warning him that "while there is no sympathy with Goddard there is considerable sympathy

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fine and costs part see "Goddard Case Sentences. Three Convictions., Imprisonment And £2,000 Fine On Goddard., Hard Labour For Mrs. Meyrick," *The Times* Wednesday, 30th January 1929; pg. 9; Issue 45114; col A. Goddard was also sentenced to 18 months in prison.

<sup>98</sup> Tracing report on Goddard's funds, 20/2/1929, NA HO 144/12266/532055/14.

<sup>99</sup> Morton p. 78

<sup>100</sup> Information for Court, 24th April 1929, NA HO 144/12266/532055/24

<sup>101</sup> "Judge and fate of money taken from Goddard," *Evening News* 12th December 1929, in NA HO 144/12266/532055/35



for Mrs Goddard, and resentment at the brokers being put in.”<sup>102</sup> Joynson-Hicks replied, declaring that he had no power to interfere with the courts in the levying of fines; the tone of his letter strongly suggests that he would have disdained to interfere even if he had been able to.<sup>103</sup> Indeed, when Rowlatt ordered the return of Goddard’s money he included a criticism of the police for holding onto it, implying that they had acted rashly and laid themselves open to prosecution. Joynson-Hicks was delighted to claim full and sole responsibility, even declaring that he had ordered the seizure and retention of the money in writing. Moreover, this was not in a quiet statement to the House of Lords, but in a public letter to the *Daily Mail*.<sup>104</sup> His letter might even be read as an implied criticism of the judge for being so fool as to give Goddard any of his supposedly ill-gotten gains back at all.

But it did not end there. Thwarted in their aim of stripping him of every penny that he had made, the senior police powers proceeded to rubbish him personally in an extended smear campaign. In 1934 Sir John Moylan, the “Receiver” (that is, lay controller of the Metropolitan Police’s finances) dismissed the Savidge case as “of little public importance in itself,” to the extent that two of three members of the initial enquiry wholly exonerated the police of improper conduct.<sup>105</sup> The fact that such an enquiry had never been needed before, he argued, was “remarkable testimony to the absence of oppressive methods.”<sup>106</sup>

Moylan devoted something in the order of seven or eight pages of his book to this persistent whitewash.<sup>107</sup> But when it came to Goddard, it was a very different story. Scathing is hardly the word for it:

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<sup>102</sup> Sir W. Lane-Mitchell MP to Joynson-Hicks, 4th March 1929, NA HO 144/12266/532055/19

<sup>103</sup> Reply, 12th March 1929, *ibid*.

<sup>104</sup> Letter from Lord Brentford, *Daily Mail* 14th December 1929: see also article, “Lord Byng and Goddard” in the same newspaper, NA HO 144/12266/532055/35

<sup>105</sup> Sir John Moylan, C.B., C.B.E., *Scotland Yard and the Metropolitan Police*” (second edition London 1934) p. 212. The subclause of the sentence after the quotation marks is a paraphrase.

<sup>106</sup> *ibid*. p. 213 (he also added that it rarely came up in court cases that testimony had been obtained by torture).

<sup>107</sup> Specifically, pages 75-76, 212-214, 251-252

“Given the temptations to which policemen are exposed and how little they were paid in the past [corruption is surprisingly little]...The facts with regard to the police and night clubs which were exposed in the Goddard case (1929) related to a very special sphere of police duty, and one of the features of this case was the practical monopoly, so to speak, of corruption, in a singularly fruitful field for it, by one sergeant who secured for himself a sum more than sufficient to bribe a whole Division.”<sup>108</sup>

In that verbal blow not only did Moylan label corruption as isolated, but he also hinted that Goddard was a greedy, selfish and gratuitously immoral character, allowed to indulge his vices by the accidentally propitious nature of his duties. Strong stuff. In a further book of 1948 he was still industriously whitewashing the Savidge case (or at least, the Royal Commission that followed it) but he employed a still deadlier weapon towards Goddard; that of silence.<sup>109</sup> Instead, he spent most of the book declaring how noble, self-sacrificing and upright the police were. Perhaps he felt that a World War might have dulled some memories; perhaps it had merely dulled his own.

The alarming feature about this is that Goddard *cannot* have been working on his own. The fact that Josling had been dismissed in 1922 without even the most cursory of investigations into his claims about Goddard strongly suggests that at least one officer higher up the chain of command in Soho knew all about what was going on, or at least did not want to know – not necessarily the same thing in theory, but much the same in practice. Anthony Judge, in an interview with Morton, dismissed as “laughable” the notion that Goddard was working alone and in secret from his senior officers for at least seven years.<sup>110</sup> And it is perhaps significant that it was not until the Commissioner and the Home Secretary became personally involved by the means partly of an anonymous letter-writer and partly because of their confusion over how Meyrick was getting away with her activities that anything happened to break Goddard’s

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<sup>108</sup> *ibid.* pp. 327-8

<sup>109</sup> See Sir John Moylan, *The Police of Britain* (London 1948); the Royal Commission is mentioned on p. 37

<sup>110</sup> Morton p. 80



power. It is perhaps also significant that the first letter (presumably sent to Goddard's immediate superior in Soho) was not investigated – it was just shown to Goddard, who baldly denied all the allegations. Yet nobody higher up the chain of command was ever prosecuted for (or even, according to official files, suspected of) taking bribes.

There has always been something of a culture of denial in the police about corruption, one that continues to this day, as recent reports clearly show.<sup>111</sup> Throughout all time, as James Morton so graphically revealed, not only have coppers taken kickbacks, but their superiors do not want to know.<sup>112</sup> But here this “I’m alright Jack” attitude cost them all the dearer when it came out.

It is perhaps unfair to blame Joynson-Hicks entirely for the failings of the police that I have outlined here. For a start, Goddard at least had almost certainly been taking protection money from the criminals of Soho for years before Joynson-Hicks arrived on the scene. Further, the institutional framework of the Metropolitan police, while overseen by the Home Office, was the direct responsibility of the Commissioner. A far bigger share of the blame must surely therefore lie with William Horwood – which would fit in with other historical assessments of his abilities and his negative effect on the Metropolitan Police. A comparatively recent assessment of him by J. B. Lopian was damning in the extreme. He detailed how Horwood forcibly extended police duties (to cover such things as “nuisance crimes,” i.e. prostitution, indecency, nightclubs etc.) even before 1924, at a time when numbers were falling due to government economies (it took three years for the Force to recover its numbers after the infamous “Geddes Axe”). No attempt was made to introduce new technology of more than a very basic kind, or to reform a Victorian command structure to cope with the modern city, or to provide new communication facilities.<sup>113</sup>

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<sup>111</sup> See Ben Leapman and Tom Harper, “Corrupt officers damage Met, says report,” *The Sunday Telegraph*, 11th February 2007, accessed electronically on the 19th February 2007,

<http://www.telegraph.co.uk/news/main.jhtml;jsessionid=CJSUD3XTWZBNZQFIQMGCFFOAVCBQUIV0?xml=/news/2007/02/11/npolice11.xml>

<sup>112</sup> See Morton, especially the Introduction.

<sup>113</sup> See Jonathan Bernard Lopian, “Crime, Police and Punishment 1918-1929: Metropolitan experiences, perceptions and policies,” University of Cambridge PhD thesis (1986) pp. 15-21

All the evidence, this study concluded, is that the Home Office would have liked these things, especially more police and above all more women police; but Horwood failed to give the necessary backing to their attempts to convince the Treasury on the first, and implacably opposed women police every step of the way.<sup>114</sup> When looked at in comparison with his successor Lord Byng, who despite poor health due to his age, tight budgets due to the onset of the Great Depression, no previous experience of policing and a mere three years of tenure, achieved a near-revolution in the both the performance of the police and their role, Horwood's performance in ten years seems still worse.<sup>115</sup> Joynson-Hicks might perhaps have done better to rid himself of Horwood after the General Strike (which was to prove his high-water mark as Commissioner) and get someone with more fire in. However, sacking such a senior official would always be ticklish, not to say downright risky. Joynson-Hicks was no doubt relieved when he could plausibly "retire" Horwood, but doubtless he would have liked to be rid of him much earlier.

But the policing of "nuisance crime," especially nightclubs, was very much part of Joynson-Hicks' own plan for London, even if Horwood had worked on it before his tenure at the Home Office and Byng afterwards; it peaked when he was Home Secretary. And therefore, especially following the Home Office's unwise decision to accept Bodkin's advice on the methodology to pursue the Savidge case, Joynson-Hicks must be held at least partly responsible for what went wrong. Not only constitutionally responsible; nobody, least of all Joynson-Hicks himself, would question that he was definitely that. But in, not a small way, or a large way, but a medium-sized way he participated in making the police, by 1930, one of the least trusted of all government organisations, despite its near-universal acclaim in the aftermath of the General Strike a mere four years earlier. Goddard and Collins were the architects of their own destruction, but the institutional framework and the policy background provided practically begged for their crimes and errors to happen.

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<sup>114</sup> *ibid.* pp. 21-5

<sup>115</sup> *ibid.* pp. 26-7



## **Conclusion.**

### **I**

Throughout this thesis, it is clear that the “forces of reaction,” or “forces of conservatism” as a more recent Prime Minister might have said, were strong, and effectual, and enjoyed more support than their detractors at the time and since are willing to acknowledge. Keeping Hyde Park free of courting couples may have been like taking coals to Newcastle, but the theatre censorship system remained largely unchallenged – thanks not to a penal system or to its being especially popular in Parliament, but because theatre managers knew that, when a play had been licensed by the Lord Chamberlain, there was no danger of an action brought against them for obscenity. The Obscene Publications Act survived not necessarily because it was any good, but because it was so seldom used that very few people could muster up the energy to do anything about it to try and improve it, at a time when so many other pressing matters were on hand. Equally, the nightclub law proved nearly unenforceable – but that did not make nightclubs popular with the public at large. Drug legislation and policy has swung from one extreme of opinion to the other since the 1960s. And the film censorship system that was brought to its full fruition in the 1920s is still in operation today.

Throughout all ages, all societies have practised censorship of one form or another, be it political, moral or social. However, the system operated in Great Britain<sup>1</sup> in the 1920s has come under severe and sustained attack. While much of it was written at the time, rather more has been written retrospectively. It therefore becomes difficult to judge exactly how far popular support swung, one way or another.

Although class-based analyses have become unfashionable in recent years, Britain in the 1920s was a nation still strongly defined by social class and status, and it is worth considering the problem in light of this. There is an easily accessible reference point. John Stuart Mill was probably the most important British philosopher of the Victorian era, and he had much to say on this particular subject in relation to his own time. In perhaps his most famous essay, *On Liberty*, he discussed the problems of a class-based system of morality, with

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<sup>1</sup> Northern Ireland had its own rules.

particular attention to Alexis de Tocqueville's concerns about the "tyranny of the majority." His general argument is best summarized in his own words:

"Wherever there is an ascendant class, a large portion of the morality of the country emanates from its class interests, and its feelings of class superiority...the sentiments thus generated, react in turn upon the moral feelings of the ascendant class, in their relations among themselves. Where, on the other hand, a class, formerly ascendant, has lost its ascendancy, or where its ascendancy is unpopular, the prevailing moral sentiments frequently bear the impress of an impatient dislike of superiority."<sup>2</sup>

This is a model that is very attractive, and more than superficially so. It seems particularly applicable to pre-First World War "middle class morality" so wonderfully lampooned by Alfred P. Doolittle in George Bernard Shaw's classic 1914 play *Pygmalion*:

"I'm one of the undeserving poor, thats what I am...[I'm] up agen middle class morality all the time. If theres anything going, and I put in for a bit of it, it's always the same story: "Youre undeserving, so you cant have it. But my needs is as great as the most deserving widow's that ever got money out of six different charities in the same week for the death of the same husband. I dont need less than a deserving man: I need more. I dont eat less hearty than him; and I drink a lot more."<sup>3</sup>

A dominant class forcing its own ideas on a reluctant lower class was the most important strand of Stefan Petrow's work on how the suppression of vice and immorality in London had greatly extended the powers of the Metropolitan

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<sup>2</sup> John Gray (ed.) John Stuart Mill, *On Liberty, and Other Essays* (Oxford 1991) pp. 10-11

<sup>3</sup> George Bernard Shaw, *Pygmalion* (London 1957) Act II (p. 58). N.B. Shaw's prejudice against English spelling, which forms a large part of the plot of *Pygmalion*, extended to apostrophes.



police in the late nineteenth century – one that borrows openly from Mill.<sup>4</sup> Petrow also emphasised that the First World War greatly extended the power of the state and permitted it to extend social control from “the bottom 30 per cent to other classes.”<sup>5</sup> He never seems to have taken the next logical step and asked why that spread in power should have happened – when on his own readings of increasing industrial unrest signifying working class rebellion against middle class constraints and a decline in the power of the Nonconformist churches, the precise opposite effect of weakened middle class influence should have been the result.

Here, again, we look at Mill. Petrow would presumably take the view, along with Mill, that the 1920s showed a middle class ascendancy was on the wane following the difficulties and economic crises attendant on the First World War, and that the efforts at artistic and social rebellion discussed in this thesis were a symptom of that rebellion. Again, there is much that is attractive in that view, and it would seem certainly to be received wisdom on the subject. But there is a problem with this argument – it simply cannot be correct.

Ross McKibbin, sticking with great determination to an old-fashioned class-based analysis of British society, is the most important source here. In his book *Classes and Cultures*, he argues that between 1918 and 1923, the middle classes felt themselves to be under genuine pressure. Yet after 1923, the middle classes actually thrived and prospered, benefiting from the weaknesses of their social superiors and their inferiors; or in McKibbin’s own words, “the crisis was comparatively short and resolved largely in favour of the middle class.”<sup>6</sup> But McKibbin also underlined the fact that it did not necessarily *look* that way to the middle classes themselves. The 1920s was a time of unprecedented class conflict – culminating in the General Strike of 1926. It is also notable that Jeffrey Richards concluded that censorship in the cinema was primarily an instrument of social control by one class over another.<sup>7</sup> The evidence for this thesis not only

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<sup>4</sup> Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office 1870-1914* (Oxford 1994) pp. 294-296

<sup>5</sup> *ibid.* p. 300

<sup>6</sup> Ross McKibbin, *Classes and Cultures: England 1918-1951* (Oxford 2000) p. 50 (pp. 50-52)

<sup>7</sup> Jeffrey Richards, *The Age of the Dream Palace: Cinema and Society in Britain 1930-1939* (London 1984) p. 89

tends to confirm his analysis, but strongly suggests that it spread into various other sectors as well.

Taking this to its logical conclusion and with reference again to Mill, we might accept that instead of a waning middle class ascendancy, the 1920s was a time when middle class ascendancy was unpopular with virtually everybody else and that the moral warfare outlined in this thesis was a symptom of it. Yet more than seventy-five years earlier, Marx and Engels had been writing of the war between middle and lower class – making it reasonable to question whether such a scenario would be anything very new.<sup>8</sup> Once the theory of class warfare is allowed, it seems reasonable to assume it is a constant war that would lead to *any* dominant class being unpopular.

A much more plausible explanation, albeit one still based on class might be made as follows. If in the 1920s the middle classes were unusually powerful, and able to impose their morality on the rest of the population, it is fair to note that it was unpopular among those people who made up the more cultured groups that it now targeted. Police may have always been unpopular with prostitutes, street-bettors and the like, but nightclubs were the haunts of the wealthy and famous, and it was the wealthy and famous who were embarrassed by the raids on them. Radclyffe Hall was a wealthy woman. D. H. Lawrence was not in fact from a wealthy or privileged background, but he encapsulated a newly found working class ability to rise into this group and pepper it with his own opinions following the introduction of universal education. Moreover, this vocal grouping was the very one with not only the power but the skill to put its point of view across most effectively – something the Civil Servants of the Home Office seemed less capable of doing. An element of antagonism between a well-established and powerful elite and a vocal, well-organised grouping outside it would certainly be the most plausible explanation of the efforts both to throw off conventional morality by one group and to enforce it by another that has been examined in this thesis.

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<sup>8</sup> A.J.P. Taylor (ed) Karl Marx and Friedrich Engels, *The Communist Manifesto* (London 1967) pp. 79-80



## II

Of course, leaving aside the issue of what was causing such friction, there is the obvious question of what censorship was really trying to achieve. This confusion is inherent in Donald Thomas's recent book on the subject, which never offers a definitive ruling on the issue – although this may simply be because he neglected to write a proper conclusion, preferring a narrative account instead. One reviewer thought that Thomas was arguing that censorship was intended simply to suppress what was censored – and agreeing wholeheartedly that usually such suppression was ineffectual, tending to draw the item in question to the attention of a wider public, but it has to be said it is not easy to discern such a clear-cut argument in Thomas's own book.<sup>9</sup> In this analysis of course, the aims of censorship are simple – to punish those who transgressed against societal (or governmental) taboos and try to confine the publications or behaviour of such transgressors to as small an audience as possible.

Yet this cannot be wholly accurate. While Joynton-Hicks was anxious to keep the suppression of *The Well of Loneliness* as quiet and uncontroversial as possible, the genie of publicity had already been well and truly released from his lamp in that particular case by James Douglas, who had achieved more publicity with one savage editorial than the most over-zealous City magistrate could have garnered in a prosecution – and therefore there would have been little enough to lose by banning it in a loud public court case (as eventually happened).

Steve Nicholson's own explanation of censorship is much more coherent in light of the evidence – that in fact, censorship existed not so much to *remove* controversial items (plays, in this case) from circulation, as to prevent them ever actually being allowed to get there in the first place. In that sense *The Well of Loneliness* case, to continue with the above example, becomes less an ineffectual aberration and more an effort along the lines of the execution of the eighteenth century seaman Admiral Byng – who, found guilty of “not trying his utmost in the presence of the enemy,” was shot on his own quarterdeck, in the words of one (fictional) French observer that have passed into legend, “*pour encourager*

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<sup>9</sup> Alasdair Palmer, “Speak freely about censorship,” *The Daily Telegraph* (Arts and Books Section) 11th October 2007, available online at <http://www.telegraph.co.uk/arts/main.jhtml?xml=/arts/2007/10/11/botho107.xml> 1 (retrieved 17th June 2008)



*les autres.*"<sup>10</sup> *The Well of Loneliness* may not have been particularly obscene, but it set the standard for prosecutions under such laws for the next thirty years – until supplanted by a new law in 1959 and the famous trial of Penguin Books over *Lady Chatterley's Lover* in 1960. It was also, it has to be said, unlucky in that it was singled out – both Compton Mackenzie's *Extraordinary Women* and Virginia Woolf's *Orlando*, published in the same year, managed to somehow escape the kind of opprobrium heaped upon Radclyffe Hall's book. However, after 1928, it was many years before lesbian relationships were again openly depicted in novels. From that point of view the law achieved its purpose.

It is a little more difficult to apply this precisely to the other three topics covered. For instance, the BBFC can hardly have hoped to influence Sergei Eisenstein to cease making Soviet propaganda films when they banned *Battleship Potemkin*, as this would have caused him considerably more difficulty with the Russian authorities in his own land than the BBFC could ever have hoped to give him abroad. But by laying down strict guidelines on what they would and would not pass they did exert some measure of control over what reached the screen. While this control was not complete, they did at least set the parameters of acceptability much more closely than either the film trade (whose interests they nominally served) or the local authorities (whom they were supposed to be working with). However, in this case it is reasonable to assume that the BBFC and the Home Office were genuinely concerned at the possibility that such films might provoke unrest or lead to a strengthening of Communist agitators among the unions. Given that this is after all one of the aims of propaganda, it would be an understandable fear.

Success in discouraging or at least curtailing immoral behaviour could only be achieved at a price. The police force was rocked by a series of scandals in the Metropolitan Police caused by these campaigns – most notably the Savidge inquiry and the Goddard prosecution. The image of politicians, already somewhat tarnished by the failures of the First World War, the war in Ireland and the continuing chronic unemployment in Britain's antiquated heavy industries, took a further level of oxide. Playwrights and film makers of high quality found their products restricted –although whether this was a serious loss

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<sup>10</sup> The observer being *Candide*, in Voltaire's novel *Candide*.



to artistry it is impossible to know, as it is not possible to prove what might have been written had the writers not been wary of writing unpublishable work – although *Maurice*, E. M. Forster's penultimate novel, perhaps gives some idea. For those who did openly transgress, the penalties were severe, but they tended to be writers of the second rank. Forster's *Maurice* was far more daring than *The Well of Loneliness* – which is presumably why it remained unpublished until after Forster's death. Radclyffe Hall may have been a prize-winning author, but the prize winning novel in question was ruthlessly satirized by Dorothy L. Sayers in *Gaudy Night*.<sup>11</sup> The top-level authors who suffered most were D. H. Lawrence and James Joyce – but it has to be said that *Lady Chatterley's Lover* is not one of Lawrence's better works, and Joyce's problems began long before Joynton-Hicks arrived at the Home Office and continued for eight years after he had left. Among playwrights, the affected included George Bernard Shaw, one of the greatest thespian writers of the modern age. However, his most serious problem – the outright ban – was confined to one play, *Mrs Warren's Profession* – which is not one of his best efforts.

How far status and general hypocrisy fed into each other on this issue it is impossible to judge. After all, writers of the second rank are more open to prosecution even under a system that permits a defence of artistic merit because their work is, almost by definition, not artistically significant. Certainly Bernard Shaw, despite his travails over *Mrs Warren's Profession*, was able to get away with many things that more junior playwrights would have been unable to – for instance, Eliza's famous phrase "not bloody likely" in *Pygmalion* – and was able to get servile letters from the Lord Chamberlain saying how important his opinion was when he actually asserted himself. In an earlier age, Thomas Hardy had written ever more controversial books without being censored, until the reaction to *Jude the Obscure's* position on divorce made him decide to give up writing novels altogether. It is interesting to speculate whether Radclyffe Hall

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<sup>11</sup> *Adam's Breed*, Hall's most successful novel, is about a waiter who contracts a complex about eating because of the amount of food he has to work with, and eventually starves to death under a tree. In *Gaudy Night*, Harriet Vane is forced to listen to a diatribe about a novel called *Mock Turtle*, a book about a lifeguard at a swimming baths who is unable to bear the sight of skin through seeing so many scantily-clad female swimmers and eventually goes mad when his wife runs off with a nudist. Dorothy L. Sayers, *Gaudy Night* (London 1990) pp. 205-206



would have been allowed to write on lesbianism had she been as good a writer as Hardy.

However, it should be noted that one of the unusual things about Joynson-Hicks' tenure of the Home Office was his willingness to enforce the law irrespective of the status of the transgressor. This is the most curious thing about the night clubs campaign in particular – the fact that it generally targeted those people (the upper classes) who had been previously immune from the attentions of the police. The same thing might easily be said about recreational drug users – although it is hard to quantify such things due to the patchy nature of the records. However, if the nephew of a wealthy and powerful Indian rajah could be prosecuted for selling drugs at a time of growing unrest in India, it seems reasonable to assume that the police were becoming less wary of offending those in high positions – a point that also holds relevance to the Savidge case, where former Member of Parliament Leo Money may have been let off by a magistrate, but was shown no previous mercy by the police themselves. We come back again to questions of class. The First World War may or may not have left the upper classes substantially weaker – there seems little doubt that it did affect them to some extent, at least in terms of wealth but, in a knock on effect, in terms of political power too<sup>12</sup> – but it seems to have led to a willingness by the middle class politicians to assert themselves over both ends of the social spectrum. Perhaps in this measure of control, may be discerned the fear of losing political and social pre-eminence among the middle classes noted above – perhaps an unrealistic but nevertheless understandable fear. In asserting their morality, they did undoubtedly reassert their pre-eminence. Of course, it is worth noting that Middlemas and Barnes partly blamed Joynson-Hicks' night club campaign for Baldwin's defeat in 1929, to a Labour government elected to represent the workers – even though chronic unemployment was unquestionably a more important factor.<sup>13</sup> It is perhaps understandable that assertions of class dominance would lead to the fostering of further class resentment – particularly in hard times.

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<sup>12</sup> McKibbin, pp. 42-43

<sup>13</sup> Keith Middlemas and John Barnes, *Baldwin: A Biography* (London 1969) p. 515



### III

It is generally assumed that Joynson-Hicks' tenure at the Home Office marked a particularly harsh period of suppression of immoral and obscene behaviour.<sup>14</sup> This is certainly not only confined to times that have the benefit of hindsight – if anything, it was more forcibly expressed at the time. Theodor Goodman referred to Joynson-Hicks' tenure of the Home Office in a letter to Clynes, the new Home Secretary, thus:

“Under the last government England was rapidly becoming a place where the self-respecting artist could no longer work. Surely the Labour government...will finally dispell [sic] these final vestiges of Victorian prudery and opression [sic] from England.”<sup>15</sup>

This attitude reached an extreme with Ronald Blythe in the 1960s, when freedom of expression and the “permissive society” made all forms of censorship seem archaic. But in reality it is difficult to see precisely how the conduct of the Home Office under Joynson-Hicks differed from its conduct under David Maxwell Fyfe in the 1950s, who was credited with a relentless crusade against homosexuality. Matt Houlbrook noted that “official rhetoric was suffused with vitriolic hostility towards the queer.”<sup>16</sup> Yet Houlbrook himself was doubtful about how far Maxwell Fyfe's remarks were the cause of an anti-gay crusade, and how far they were simply an expression of a general resumption of a police campaign against behaviour that they had relaxed their vigilance on during the Second World War when they had rather more important matters on hand.

Martin Francis drew a blunt and explicit parallel between the two campaigns – Joynson-Hicks and his literature and nightclubs, and David Maxwell Fyfe and homosexuals. He added that in his opinion both were born partly of a fear of Communism – a generic fear in the 1920s, and by the link

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<sup>14</sup> See, for instance, Marek Kohn, *Dope Girls: The Birth of the British Drug Underground* (London 1992, 2001) p. 140

<sup>15</sup> Theodor Goodman to J. R. Clynes, 6th July 1929, in NA HO 45/24788

<sup>16</sup> Matt Houlbrook, *Queer London: Perils and Pleasures in the Sexual Metropolis, 1918-1957* (Chicago 2005) p. 34



between homosexuality and Russian sympathies made in the public and political mind by the Burgess and Mclean affair.<sup>17</sup> He also pointed out that both Maxwell Fyfe and Joynson-Hicks had links with Lancashire's Evangelical Toryism (although in Joynson-Hicks' case at least, it has to be considered very doubtful whether that had the slightest effect on his already well-formed opinions). Yet David Maxwell Fyfe went on to be a respected and long-serving Lord Chancellor, who played the role of "kingmaker" when Harold Macmillan became Prime Minister in 1957 and whose dismissal in 1962 marked a crucial step towards Macmillan's fall.<sup>18</sup> And it is hard to see quite how his successor at the Home Office, Rab Butler, was any more lenient on immoral behaviour.<sup>19</sup> Although Butler did make modest reforms – most notably the Obscene Publications Act of 1959 – he refused to decriminalise sodomy, and it was on his watch that *Lady Chatterley's Lover* was eventually prosecuted.<sup>20</sup> But nobody could accuse Butler of being a Diehard reactionary – on the contrary, he was overlooked for the premiership in 1957 largely because he was considered by the Tory party to be too left-wing.<sup>21</sup>

As we have already seen, Lawrence had as much trouble with J. R. Clynes as he did with Joynson-Hicks. But there were other authors respected for their artistic value who had difficulty with authority long before either had even arrived on the scene. James Joyce, the Irish author of *Ulysses*, had to arrange for the publication of this, his most famous work, abroad. In 1922, the Director of

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<sup>17</sup> Martin Francis, "Set the People Free"? Conservatives and the State, 1920-1960" in Martin Francis and Ina Zweiniger-Bargielowska (eds.) *The Conservatives and British society, 1880-1990* (Cardiff 1996) pp. 58-77, pp. 65-67 and 72-73. I am indebted to Dr. Sian Nicholas for drawing my attention to this article.

<sup>18</sup> He was dismissed as one of the victims of Macmillan's "Night of the Long Knives", along with Selwyn Lloyd. See Robert Blake, *The Conservative Party from Peel to Major* (London 1997) pp. 278, 288.

<sup>19</sup> Maxwell Fyfe's immediate successor was Gwilym Lloyd George (1954-1957) before Butler accepted the Home Office upon being overlooked for the premiership.

<sup>20</sup> Francis, p. 72: a recent account of the *Lady Chatterley* trial, which does not mention Butler, can be found in Thomas, chapter 10, especially pp. 239-247

<sup>21</sup> Edward Heath, *The Course of My Life: My Autobiography* (London 1998) p. 178: "Whereas the left and centre would reluctantly accept Macmillan's leadership...many on the right could never forgive Butler." Note – this particular classification was due to the opinions of the two candidates on Suez, but there is no reason to think that it did not extend to other points of policy.



Public Prosecutions had attempted to read it (and on his own admission, failed to do so) but considered what he could read was obscene.<sup>22</sup> This would have been while William Bridgeman was Home Secretary – one of Baldwin’s oldest friends and political allies. It should be noted that this advice was altered by the Attorney-General, Donald Somervell, in 1936, who simply stated that it would be foolish to take action as “standards in these matters are constantly changing.”<sup>23</sup> But throughout all but a few years of the interwar period – a period that included two Labour governments – there was no effort to allow a book now recognised as a landmark in literature to be published.

Similar problems had beset D. H. Lawrence long before either *Pansies* or *Lady Chatterley’s Lover*. *The Rainbow*, his 1915 book about the sexual history of an extended family now considered to be one of his best works, was banned in much the same way as *The Well of Loneliness* – by a magistrate making a destruction order.<sup>24</sup> It seems at the very least unlikely that Sir John Simon, the then Home Secretary, had either no knowledge or no hand in the proceedings. Yet he was an Asquithian Liberal, in a government that still had at least a Liberal imprimatur. While he did later become a *de facto* Conservative, rising to be Lord Chancellor in Churchill’s wartime government, he was certainly imbued with the ideals of Liberalism. It would seem that they did not stretch quite as far as free speech for books that were held to be obscene.

On nightclub raids, the only issue apart from literary censorship where the Home Secretary’s personal influence may be discerned, the same pattern applies. Nightclubs were a postwar phenomenon, so far as can be judged deeply unpopular with the public at large, the press, the senior ranks at least of the police force and politicians (apart from those politicians who, like Sir Robert Horne, were “haunters of nightclubs”).<sup>25</sup> While the corruption of the Soho police hamstrung efforts to bring them into line for several years, Goddard’s arrest and imprisonment removed that obstacle. Lord Byng of Vimy, the new Commissioner, was just as vigorous in pursuit of nightclubs as Joynson-Hicks

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<sup>22</sup> Report of the Director of Public Prosecutions on *Ulysses*, 22nd December 1922, in NA HO 144/20071/186428/2

<sup>23</sup> Minute by the Attorney General (D. Somervell) November 1936 (precise date not given) in NA HO 144/20071/186428/61

<sup>24</sup> Thomas p. 102.

<sup>25</sup> Blake p. 226



had been – and, relieved of the protection rackets of the 1920s, rather more effective. The coming of the Depression in 1929 may have assisted him in his efforts, but it was his proud boast in 1930 that the London nightclub scene was dead.

Leaving aside the question of before and after Joynson-Hicks' tenure, we have to consider how much he would have achieved during his time in office had he not been fully supported by the civil servants – many of them, like him, middle class. Special mention should be made of Sir John Anderson, who spent ten turbulent years as Permanent Under-Secretary at the Home Office between 1922 and 1932 before becoming Governor of Bengal, crowning his career by entering Parliament and serving with distinction under both Chamberlain and Churchill in a variety of wartime Cabinet posts – including Home Secretary (1939-40) and finally Chancellor of the Exchequer (1943-45) in which post he was the number three in the government after Churchill and Eden.<sup>26</sup> As a result he has tended to be lauded by most of his biographers and historians for his administrative genius and strong sense of duty. Yet if blame for the Home Office's policies of repression is to be apportioned anywhere, much of it must be laid firmly at his feet. While a fairly low percentage of documents on this topic did not carry the endorsement of Joynson-Hicks, it was extremely rare to find a document on any important point that was not signed by Sir John Anderson. While he was clearly not especially keen to take a hard line on drugs, his immortal summary of D. H. Lawrence's *Pornography and Obscenity* perhaps sums up his views on the rest of it: "It is good of D. H. Lawrence to show what a poisonous character he is. We need not deprecate his self revelation."<sup>27</sup>

Anderson's support was crucial in most of the areas covered by this thesis. The civil servants obviously respected, even feared, him (that remark about his "lashing" Malcolm Delevingne into a more reasonable frame of mind is perhaps the most significant).<sup>28</sup> Yet it should be pointed out that most of them – including Arthur Dixon, Malcolm Delevingne, Ernley Blackwell and George Newman, to name the most senior – appear either to have been very supportive

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<sup>26</sup> That is, in the caretaker government of 1945 – Attlee was senior in the National wartime government.

<sup>27</sup> Note dated 20th November 1929, in NA HO 144/14042/544688/5

<sup>28</sup> See above p. 224



of Joynson-Hicks or to have been even more strongly in favour of a penal policy than he was. In this they were supported by the police (apart from those officers who were taking bribes). Both Horwood and later Byng were eager to push the clean-up of London, and did so with varying degrees of success. The magistrates too were essentially sympathetic to a culture of suppression – Cancellor’s acquittal of Money proving an (in the event unfortunate) exception to a rule well established by, *inter alia*, Sir Chartres Biron. Even without Joynson-Hicks, the cultural bias of the Home Office and the legal institutions that supported it was set firmly against those forms of art and behaviour covered in this thesis being allowed to flourish unchecked. This certainly goes a long way towards explaining why it was not solely Joynson-Hicks’ tenure that proved so problematic for art, drink and drugs – and for that matter, towards explaining why his tenure was problematic in any case.

#### IV

It is worth – referring again to Harold Macmillan – examining “the wider vision” of this era as well.<sup>29</sup> The states most deeply involved in the First World War were Italy, Russia, Austria-Hungary, Germany, Britain, France and the United States. This thesis has obviously concentrated on the fourth of these nations. Yet it is interesting to look briefly at the cultural history of some of the others as well.

Italy and Russia may both be discounted. Both of them – Russia in 1917 and Italy in 1922 – had become dictatorships, one Communist and one Fascist (albeit cloaked by a thin constitutional veneer in Italy’s case). As a result, freedoms were seriously curtailed for political rather than social or religious reasons, making them unhelpful as points of comparison. Austria-Hungary, to all intents and purposes, had ceased to exist, although the name survived in the new states of Austria and Hungary. That leaves Germany, France and the United States as perhaps the most useful comparisons. All three were democracies in the 1920s, all had suffered in the First World War (albeit in the case of the United

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<sup>29</sup> “I thought the best thing to do was settle up these little local difficulties, and then turn to the wider vision of the Commonwealth;” Harold Macmillan, 7th January 1958, on the resignation of his entire Treasury team and their prompt replacement. Quoted in David Butler and Gareth Butler, *Twentieth Century British Political Facts 1900-2000* (corrected eighth edition Basingstoke 2005) p. 291

States far less than any other major belligerent) and all of them were major centres of cultural change and lifestyle alterations in the period.

The United States is perhaps the nearest parallel with Britain. It possessed a strong, stable democratic system with a directly elected bicameral Congress, albeit one based upon a strong presidential system rather than a system of Parliamentary dominance. In the 1920s it was dominated by the Republican party (although there is no straightforward transference of the party allegiances across the Atlantic). More importantly, it was also dominated by various forms of censorship – censorship that went far beyond anything Joynson-Hicks ever tried to impose.

The most obvious example of this repressive culture was the Eighteenth Amendment to the Constitution. The statute was generically referred to as “Prohibition;” to be exact, the prohibition of “the manufacture, sale, or transportation of intoxicating liquors...within the United States.”<sup>30</sup> The complete banning of alcohol was the result of a long and often bitter campaign waged by various pressure groups, including the churches, that dated back to before the War of Independence, many of whom emanated from the Protestant areas of the Deep South. This largely stemmed from efforts to cure the United States of its “alcoholism”, which has passed into part of the legend of the “Old West.” Prior to the First World War there had been restrictions imposed on the movement of alcohol by Congress, over-riding Taft’s presidential veto, and under the Southerner Woodrow Wilson the movement gained further ground in Washington, resulting in the passing of the Eighteenth Amendment. Yet the new rules could hardly be considered a great success. Enforcement was extremely slack – corruption among the police forces and the Federal enforcement agency was a serious problem – and criminal gangs took over the organisation of the liquor trade, leading to chronic problems with gang warfare. Even some State administrations refused to enforce Prohibition, repealing all laws which had come about as a result of it – including New York. Smuggling, made easy by

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<sup>30</sup> The Eighteenth Amendment to the Constitution of the United States of America, 29th January 1919.



America's long land borders with Canada and Mexico and its three substantial coastlines, was a chronic problem.<sup>31</sup>

Parallels might certainly be drawn with the campaign against night clubs. After all, this had severe difficulty in enforcing the law, led to rampant corruption among the police, and was led by a temperance activist of some fifty years' standing. Yet at no point did Joynson-Hicks attempt to outlaw alcohol. While he did attempt to limit its use, and certainly made life very difficult for those who opposed him, he was anxious at all times to underline the fact that he was not opposed to clubs serving alcoholic liquor *per se* – only night clubs. In part, this was due to the different political dynamic. It is inconceivable that a General Election in the United Kingdom would have returned a two-thirds majority in favour of temperance, as Congressional elections must have done in the years leading up to 1919;<sup>32</sup> particularly given the dependence of the Conservative party on the brewing and distilling barons for financial support (although Ensor surely slightly exaggerated their importance when he credited the liquor industry alone with saving the Tories from bankruptcy in 1871 and sustaining them until the First World War).<sup>33</sup> But it also suggests a degree of pragmatism with which Joynson-Hicks is seldom credited.

America also had strong policies on drugs. Carleton Simon, Special Deputy Commissioner for Drugs in the New York Police Department, had long and involved correspondence with the Metropolitan police in an ultimately futile attempt to persuade them to sign up to providing information for an "International Bureau of Drug Takers," a register that would contain all known narcotics abusers and allow cross-border tracking of them. One London superintendent commented drily:

"Writer wishes to commence International Bureau of drug takers.

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<sup>31</sup> Michael Parrish, *Anxious Decades: America in Prosperity and Depression, 1920-1941* (New York 1992) pp. 94-108

<sup>32</sup> A two-thirds majority in Congress is required to overturn a Presidential veto, and for an amendment to the Constitution, which also has to be ratified by the legislatures of two thirds of the States (respectively Article One, section Seven, and Article Five of the Constitution).

<sup>33</sup> R. C. K. Ensor, *The Oxford History of England XIV: England 1870-1914* (Oxford 1936) pp. 20-22

Medical authority has agreed that the large increase in drug trafficking in USA is the natural consequence of "Prohibition."

Apart from Chinese opium smokers there are very few persons convicted in this country of this offence, few of which are likely to interest America. Should, however, an American be convicted of this offence it might assist if a copy of his record were sent to writer."<sup>34</sup>

Although it is not easy, at this remove, to see how far this comment about drink and drug prohibition feeding off each other was correct, it would seem that there was far more appetite for a punitive policy in America against such transgressions than there was in Britain – and although it should be noted that the comment antedated Joynson-Hicks, as has been outlined above, the effect he had upon drug enforcement policy was negligible to non-existent.

In part this may be explained by the different context. Although London seemed to be at the centre of a marked slackening of social and cultural constraints, in America the problem was even more severe because the traditional institutions had suffered less and were correspondingly more outraged. This clash, between the morality and lifestyles of the young in what became known as "the Roaring Twenties" and the older, more orthodox generations still dominated by a church and chapel-going ethic, forms the main theme in F. Scott Fitzgerald's literature – especially his first novel, *This Side of Paradise*.

Francis Lewis Allen referred to "a revolution in manners and morals." He argued that the causes lay partly in the disenchantment of the younger generation with their elders following the First World War, partly with greater female emancipation, partly to changing technology (the advent of films in particular) but also to Prohibition – making drinking an act of legal as well as hormonal rebellion.<sup>35</sup> Yet a large part of this story was also the suppression of the culture thus engendered. While there is some dispute about how effective it

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<sup>34</sup> Comment by Superintendent C. S. Williams (Supt. C-3) 2nd December 1922, on a letter by Carleton Simon dated 4th October 1922 in NA MEPO 3/422.

<sup>35</sup> Frederick Lewis Allen, *Only Yesterday: An informal history of the 1920's* [sic] (New York 1931, 1959, 1997) chapter 5, pp. 67-91



was – Allen, writing more or less at the time, thought it was largely ineffectual and indeed ludicrous, while Parrish, writing sixty years later, pointed out how widespread it was – not merely being confined to a few places in the Deep South, but encompassing Boston as well, which banned a newspaper for printing an article about a prostitute who took both Catholic and Protestant clients.<sup>36</sup>

What is not in dispute is that perhaps the most important case studied in this thesis, *The Well of Loneliness*, was not banned in America. However, it is worth noting that initially it was banned, before the verdict was overturned on appeal to a higher court.<sup>37</sup> It would seem from this that there was a similarly censorious culture well established in the United States, at least in the lower levels of the government and judiciary, which is backed up by further archival evidence.

One of the more curious features of the lengths to which the Home Office went over *The Well of Loneliness* was in sending out letters to various other governments, including the Dominions and other friendly nations (if they sent one to Russia, there is no surviving reply) advising them that this book had been considered obscene and advising them to be on their guard in case Cape tried to smuggle it into their own jurisdiction. This was presumably a consequence of Cape's having sent the book to Paris. In retrospect these letters appear as little more than a rather spiteful aside in a bid to embarrass Cape internationally, but they are interesting for the light they shed on the international situation. New Zealand, Ceylon, India and South Africa all thanked the Home Office for the information and assured them that "steps will be taken to prevent the importation of the book into this Dominion."<sup>38</sup> Given that Britain was still at this time the *de jure* ruler of those four areas to varying degrees, the attitude expressed is unsurprising. However, the United States expressed its gratitude too. Horace Donelly of the American Post Office Department wrote thanking the Home Office for the "information, which is appreciated."<sup>39</sup> While the letter was hardly a ringing endorsement of the punitive policy that the Home Office had followed, it stands in stark contrast to the response of a Dutch

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<sup>36</sup> *ibid.* pp. 85-6; Parrish pp. 198-9

<sup>37</sup> Michael S. Howard, *Jonathan Cape: Publisher* (London 1971) p. 111

<sup>38</sup> W. B. McIlveney, Commissioner of the New Zealand Police, to A. Crapper of the Home Office, 5th February 1929, in NA HO 144/22547/527705/69

<sup>39</sup> Horace Donelly to A. Crapper, 3rd January 1929, in *ibid.*



official, who responded vigorously, "I am inclined to conclude ...that this book cannot be declared obscene according to the laws of this country and therefore its circulation is not punishable."<sup>40</sup> The implication is that the Americans were not unsympathetic to censorship – as indeed they proved in the initial banning of *The Well of Loneliness*.

Such an attitude certainly extended to film censorship, which was also the preserve of the Postmaster General. Will Hays, for one, preferred to exercise it informally, but Allen was in no doubt that he did exercise it.<sup>41</sup> Yet in America, as in Britain, the movie industry elected to regulate itself, fearing that otherwise it would be regulated at a state level; a fear far from groundless in 1922, when the system of self-regulation was being formed under the auspices of Hays, who retained much control, Virginia was passing a censorship statute. Had such a system been put into effect, as with the local authority regime in Britain, standard censorship patterns would have become impossible. Neville March Hunnings noted that it took a further twelve years to set up a full system acceptable across the whole of America – the famous "Hollywood Production Code" – but the principle had been established and the threat of a formal censorship headed off.<sup>42</sup> While the Motion Picture Association found censoring films just as difficult as the BBFC had, the majority of the criticism aimed at them was by organisations who wanted tighter regulation, which would undermine the idea that they were resented for their strictness. Truly the lot of a censor is not a happy one.

France offers a marked contrast to both Britain and America. A very early republic,<sup>43</sup> and a very different culture based on Catholicism rather than Protestantism, and famous for its much more relaxed attitude towards free expression in the arts, France was a particular problem for the Home Office in terms of literature: it was where several banned novels, including *Pansies*, *Lady*

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<sup>40</sup> Indecipherable Dutch official to Crapper, 24th March 1930, in *ibid*.

<sup>41</sup> Allen p77.

<sup>42</sup> Neville March Hunnings, *Film Censors and the Law* (London 1967) pp. 153-54

<sup>43</sup> France has been a republic several times, traditionally numbered to distinguish them. The republics encompass five constitutions: from 1793-1804 (First Republic) 1848-1852 (Second Republic) 1871-1943 (Third Republic) 1946-1958 (Fourth Republic – an unstable revival of the Third Republic). Since 1958 it has operated under the constitution of the Fifth Republic.



*Chatterley's Lover*, *The Well of Loneliness* and *Ulysses* were printed before being smuggled back into Britain. Such a tolerant attitude was hardly surprising given the literary tradition in France of Victor Hugo, Alfred de Vigny, Alexandre Dumas and Emile Zola, all of whom wrote books that had run into trouble, either legal trouble upon publication or bowdlerisation in translation for publication in Britain.<sup>44</sup> France was also the home of a number of expatriate writers who aimed to escape the restrictions elsewhere; at one time or another James Joyce, D. H. Lawrence, Ernest Hemingway and Aldous Huxley all lived there. As for drinking after hours, it simply was not a crime, which is why a number of nightclub owners left London for Paris in the face of the persistent raids by the Metropolitan police. These included Victor Perosino, who subsequently invited Joynson-Hicks to dine at his new club in Paris – an invitation that Joynson-Hicks never took up, although allegedly with some regret.<sup>45</sup>

Yet it would be unwise to get too carried away with the idea of freedom of expression and action in France. For instance, it also had a very active film censorship system in this period. In 1917, after a great deal of confusion caused by a localised system of censorship closely resembling the one north of the Channel, a Commission was set up under the auspices of the Ministry of the Interior in order to scrutinize films and pass them as fit for exhibition. This was largely in response to the belief that there was a link between the crime films being shown and a rise in juvenile crime. But increasingly in the 1920s the Commission expanded its remit to take in sexual morality and Communist propaganda. Among the films thus scrutinized and banned were the films *Mother* and *Battleship Potemkin*. Although these developments were bitterly opposed by the French film industry, they were unable to get legal redress through the courts and were obliged to campaign for fresh legislation. This in the event made little practical difference to the film censorship system, but did allow

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<sup>44</sup> See Thomas pp. 44-5 for a brief discussion of the difficulties *La Terre* (English title *The Soil*) encountered when published in Britain: cf. Robin Buss, "Introduction" to Alexandre Dumas, *The Count of Monte Cristo* (Penguin Classics Edition, London 1996) pp. xvii-xviii for a discussion of some of the "bowdlerisations" in the original Victorian English translation.

<sup>45</sup> Jonathon M. Hopkins, "Paradoxes personified: Sir William Joynson-Hicks, Viscount Brentford and the conflict between change and stability in British society in the 1920s," University of Westminster MPhil thesis (1996) p. 101

representatives of the film making companies to join the Commission.<sup>46</sup> Regrettably, there is no strong cultural history of the French nation between the wars available in English. Yet in the book that comes closest to providing one, a curious brief paragraph states the following:

“Unsurprisingly, the French Right was disturbed both by the growing assault on Western values and by the emergence of the Communist party...it is important to remember, however, that in matters cultural, as well as in matters political, the right was by no means in a minority.”<sup>47</sup>

The authors did not say how this translated into support for or opposition to censorship, although they did add that this Right-wing intellectual movement underpinned French fascism in the 1930s and made life difficult for the Popular Front between 1936 and 1939.<sup>48</sup>

Somewhat more is available on Germany – specifically two excellent books by Walter Laqueur and Eric Weitz. Laqueur, writing in the early 1970s, concentrated heavily on the culture of Weimar *per se*, less on the counter-culture among the elites. In doing so he to a large extent reinforced the image of Weimar as a centre of *avant-garde* culture and “one of the main cradles of cultural modernism” even while pleading for a more realistic appraisal of the cultural significance of Weimar.<sup>49</sup> This was something rectified by Weitz’s recent work. Weitz, while not in any way doubting that Weimar, “for the most

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<sup>46</sup> Hunnings chapter 10 esp. pp. 332-350

<sup>47</sup> Michael Scriven, Nicholas Hewitt, Michael Kelly, Margaret Atack, “Wars and Class Wars (1914-1944)” in Jill Forbes and Michael Kelly (eds) *French Cultural Studies: An Introduction* (Oxford 1995) pp. 54-96, p. 69

<sup>48</sup> *ibid.* pp. 70-71.

<sup>49</sup> Walter Laqueur, *Weimar: A Cultural History 1918-1933* (London 1974) p. 277 (pp. 276-77). The two statements are not in fact as contradictory as they may seem – he was deploring the selective use of Weimar culture in the 1960s to support particular political viewpoints, rather than looking at the totality of the subject. At no point did Laqueur doubt that Weimar genuinely marked a cultural revolution.



part, abolished censorship,”<sup>50</sup> pointed out that in Weimar there were still well-entrenched elites who were extremely hostile to both the new cultural patterns and to the Republic itself. After a good deal of campaigning, in 1926 these elites managed to force a “Law to protect youth from trashy and filthy writings.” This was essentially a law to allow censorship of cheap paperback novels, some of them pornographic, but not by any means all, and was the culmination of a campaign that dated back to the Kaiserreich. While it was bitterly attacked by intellectuals, who particularly feared that the formally established board of censors would be used in order to curtail their freedoms rather than to root out pornography, the law stood. This was partly thanks to the strong powerbase of the traditional elites who supported it – who were well established in the Army, the civil service and the churches – but also due partly to the weak and ineffectual campaigns against it, which were never organised into any sort of mass movement for the exertion of public pressure.<sup>51</sup> It has to be said that it was rather slackly enforced – only allowing 143 books to be banned up until 1932 – but the principle had been established, and in any case, it should be noted that 143 is a far higher number than the four at most that Joynson-Hicks either covertly or overtly banned in his tenure at the Home Office.<sup>52</sup>

Yet this campaign had a wider significance. It showed that the political right, who were willing to go to great lengths in order to organize support by means of mass meetings, petitions, and building unlikely Parliamentary coalitions to get this bill through, were better organized and more determined than their left-wing opponents – the people on whom Weimar depended for its survival. Weitz called it “a rather ominous sign for the republic.”<sup>53</sup> Even worse, the continuing strength of the intellectual right opposed to the freedoms of Weimar had far-reaching consequences when the German economy collapsed in the period 1929-1932. Already many right wing intellectuals had shown overt sympathy towards the Nazi party, although very few of them actually joined it.

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<sup>50</sup> Eric Weitz, *Weimar Germany: Promise and Tragedy* (Princeton New Jersey 2007) p. 364. I am indebted to Dr. Peter Lambert for drawing my attention to this source.

<sup>51</sup> *ibid.* pp. 106-108

<sup>52</sup> The four being *The Well of Loneliness*, *Sleeveless Errand*, *Pansies* (all by either legal action or seizure through customs) and *Lady Chatterley's Lover* (methods obscure due to absence of the relevant documents).

<sup>53</sup> Weitz p. 108



As Laqueur commented, “much of the intellectual spadework for the “revolution of 1933” was done outside the Nazi movement.”<sup>54</sup> The freedoms of Weimar were always railed against, and they placed an immense strain on the fragile republican system. When this new, decadent world was, rightly or wrongly, linked with economic collapse and near-anarchy, the right rejected it altogether in favour of an anti-Semitic, anti-Bolshevik, pro-autocratic strand put to them by a young Austrian demagogue.<sup>55</sup> The *avant-garde* in Britain railed against Joynson-Hicks, but the Right of the Tories that he represented stayed by and large within the parliamentary system and contented themselves with existing laws and structures. The greater freedom of Weimar Germany saw a backlash which formed an important strand in the crisis that propelled the most reviled tyrant in all human history to power. It seems reasonable to wonder whether the intellectuals of Weimar, if they ever looked back, felt that this was an entirely fair exchange.

## V

So far, we have established that there was a campaign in Britain against various forms of art and behaviour considered obscene, by standards of middle class morality which then dominated society, despite a challenge from influential and vocal groups outside it. It was closely associated with Joynson-Hicks personally, and wrongly. It persisted under Liberal, Unionist/Conservative and Labour Home Secretaries and governments. It crossed national boundaries, taking firm root in America and even proving a major force in the Weimar Republic, supposedly a great crucible of new culture and lifestyles. It was widespread, resilient, and often popular. Why, then, has particular opprobrium been reserved for Joynson-Hicks?

Part of the explanation must be in the enigma of the man himself. As outlined at the end of chapter two, he was a strange, uneasy mass of contradictions – the Diehard in favour of women’s suffrage, for instance. Most studies of him present him as a one-dimensional, autocratic, almost Fascistic man (one nickname he had was indeed “Mussolini Minor”)<sup>56</sup> with a pathological

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<sup>54</sup> Laqueur p. 97

<sup>55</sup> Weitz p. 364

<sup>56</sup> David Cesarani, “Joynson-Hicks and the Radical Right in England after the First World War,” in Tony Kushner and Kenneth Lunn (eds.) *Traditions of*



lack of mental balance and promoted wildly beyond his abilities. If the picture were that simple, he would present much less of a problem. Having studied his policies on moral policing, I would at once dismiss such stereotypes and still feel no nearer to understanding him. My position is analogous to that of Guildenstern, to whom Hamlet said accusingly “you would pluck the heart out of my mystery;” and more especially, close to the confusion Guildenstern exhibits over the accusation. Much further study remains to be done on this man, one of the most curious characters ever to hold high cabinet office. The only thing that can be definitely said here is that he certainly was not one dimensional or stupid. Indeed, he was a clever man with a very rounded personality – solicitor, farmer, traveller, motoring pioneer, Christian, Freemason – these are not the marks of a man with no brain or soul.

But it is not in fact too difficult to see why he has had such a poor posthumous reputation, although it seems to have been missed by most scholars. Perhaps surprisingly, it was Ronald Blythe who came closest to understanding the enigma of Joynson-Hicks’ reputation. Although he never properly developed the insight, with these words he got straight to the nub of the argument:

“All through the twenties Jix’s [Joynson-Hicks’] appearance offered some kind of evidence that prohibition had paid off where he personally was concerned. He looked years younger and jollier than his Cabinet friends, dressed with a pre-war garden party elegance and faced a whole series of calamities with a dreadful cheerfulness. He looked as happy as a sandboy as he emptied the stews, leafed through a packet of erotic poems D. H. Lawrence had rashly put in the post unsealed, and sent the town to bed by ten. His gaiety as he suppressed the virtue [sic: vice?] in others was particularly offensive and soon people wondered what was the worse, his policy or the enjoyment he got from enforcing it. There was a perverse element in

his obsession with sexual morality and something immature in his neurotic ideas about drink.”<sup>57</sup>

Those words “*the enjoyment he got from enforcing it,*” are the full and true explanation of why Joynson-Hicks has been so ill treated by historical writings on the subject. All Home Secretaries have acted as repressors of one sort or another. Michael Howard became infamous for “Prison Works.” Jacqui Smith looks set to join him as the originator of forty-two days detention without charge for political purposes. David Maxwell Fyfe was roundly attacked for the persecution of the homosexual community in London on his watch. J. R. Clynes moved against obscene paintings by D. H. Lawrence. Rab Butler permitted the prosecution of *Lady Chatterley’s Lover*. Roy Jenkins reintroduced strict drug controls. But none of them have openly revelled in such actions (apart possibly from Howard).

One of Joynson-Hicks’ most formidable handicaps as a politician was a complete inability to dissemble – as when he remarked about India that it was not colonised for the benefit of the Indians, but as “the finest outlet for British goods, and the Lancashire cotton goods in particular,” a perfectly accurate and yet seldom expressed view of the situation.<sup>58</sup> He genuinely did think the unthinkable – and then say it. In his actions against *The Well of Loneliness*, Russian propaganda films, nightclubs and courting couples in Hyde Park, he made no secret of the fact that he was trying to get rid of vice and clean up London for the benefit of sinners – in other words, went through the usual actions without the crocodile tears and instead with a positive zest for the task. While he was less anxious to be seen as a censor of literature, stressing that as *The Well of Loneliness* was obscene under the law he had no choice but to advise Jonathan Cape to withdraw it, carefully not mentioning the lengths he went to in order to suppress it afterwards when Cape evaded his demands, in his campaign against nightclubs he was, in the words of John Ramsden (another one who

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<sup>57</sup> Ronald Blythe, *The Age of Illusion: England in the Twenties and Thirties 1919-1940* (London 2001) p. 34

<sup>58</sup> See above p. 60



came close to the truth without quite realising the implications of what he was saying) “quite open about what he was trying to do.”<sup>59</sup>

It is puzzling that people prefer a lot of pious platitudes and hand-wringing to genuine honesty in politicians. It is small wonder that Middlemas and Barnes wrote savagely, of Baldwin’s treatment after the Second World War, “the English vice is sanctimonious humbug.”<sup>60</sup> There is of course an inherent irony in the position that Joynson-Hicks’ opponents took up – while he was denying completely free speech and free action to others, many of his them were ardent Communists or anti-clericalists who would in any case have denied even the most basic freedoms of expression and religion to him had the position been reversed – Douglas Goldring being an obvious example. Radclyffe Hall was herself a Fascist, an admirer of Mussolini. Freedom of speech has generally always meant, in practice, “freedom to say what I please but not to let you say something I disagree with,” a problem that has always bedevilled those with passionately held political or religious beliefs.<sup>61</sup> Voltaire’s sentiment, “I do not agree with what you say but I will defend to the death your right to say it” stands as an honourable but lonely exception to this rule.

Joynson-Hicks was an evangelical Christian. He was a Diehard. He was also – and this is not the prevailing view of him, but nevertheless a point that needs making – an extremely clever man, something he proved time and again as a highly successful lawyer and later as a long-serving and powerful Cabinet minister. With such intelligence and beliefs comes arrogance. It is not a case of “he thought he was doing the right thing.” He *knew*, absolutely and past any doubt at all, that he was doing the right thing – and therefore he did not see how it could matter what a variety of sinners, writers, criminals and other people he would doubtless, perhaps subconsciously but more likely avowedly, have

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<sup>59</sup> John Ramsden, *The Longman History of the Conservative Party Volume III: The Age of Balfour and Baldwin* (London 1978) p. 286

<sup>60</sup> Middlemas and Barnes p. 1061

<sup>61</sup> For an interesting example of this, see John O’Farrell, *Things can only get better: eighteen miserable years in the life of a Labour supporter 1979-1997* (London 1997) p. 60, on the attitude of ultra-left wing Labour student activists in the early 1980s: “While we condemned anyone who did not share our view of the world as “fascists”, we had developed a special fascism of our own, which excluded and condemned people because of what they believed in... We said “I do not agree with what you say, so you are not allowed to say it ’cos you’re a fascist.”



considered to be wrong actually thought. Therefore there was little point as far as he was concerned in dissembling. It was a talent he did not need to acquire – because it would simply obscure his own absolute rightness.

In the particular circumstances of this thesis, it is probably the Christianity that matters most. There can be little doubt that Joynson-Hicks acted, particularly over nightclubs, *The Well of Loneliness* and his actions against prostitutes in Hyde Park out of a belief that he had to do something to save the souls of the lost, and crucially, stop them leading anyone else astray. Based on the strict word of the Bible, he would have seen the need for only one authority on any of this – that of God Himself. From that point of view, he might fairly be compared to William Wilberforce, mostly now remembered as the tireless campaigner for the abolition of the slave trade, but who was also in his earlier years noted for a major campaign against vice (including drinking, gambling and prostitution) which he called “the reformation of manners,” and who wrote in 1787, “God Almighty has sent before me two great objects, the suppression of the slave trade and the reformation of manners.”<sup>62</sup> Wilberforce’s campaigns might indeed be traced as the start of a rejection of eighteenth-century debauchery in favour of nineteenth-century “joylessness,” although it seems very unlikely that they were the only cause.

Yet that should be qualified by a very important point. William Wilberforce was largely a humble and gentle man. Joynson-Hicks was an arrogant and aggressive one. As a diehard, he helped stoke the tensions in Ireland, he became jingoistic in the First World War, and he supported the forcible holding of India and the suppression of protests there by a disproportionate armed force. In other words, in no sense an ideal Christian who forgives, who loves and who seeks to help. In the Sermon on the Mount, Jesus exhorted his followers to “first take the plank out of your own eye, and then you will see clearly to remove the speck from your brother’s eye.”<sup>63</sup> In that sense, Joynson-Hicks is perhaps more reminiscent of the fiery nineteenth century politician William Gladstone than William Wilberforce.

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<sup>62</sup> Quoted in William Hague, *William Wilberforce: The Life of the Great Anti-Slave Trade Campaigner* (London 2007) p. 141

<sup>63</sup> Matthew 7:5 (New International Version)



As Joynson-Hicks had no empathy with or sympathy for those he pursued, he seemed to have little enough idea of how his performance would appear to neutral observers in his own time and in retrospect. In his pamphlet *Do We Need a Censor?* he genuinely seemed to think that he was speaking for a silent majority. In this he was of course not unique – so did D. H. Lawrence in his reply. But we always come back to a crucial difficulty – a silent majority is silent. In the days before sophisticated opinion polling, it is impossible to gauge which side of any argument the public supported. Most probably, in the case of a comparatively peripheral issue such as the policing of morals, the side of “not very interested” (which has entered modern polling as “don’t know”). But there can be no doubt that most of the intelligentsia were ranged against Joynson-Hicks – the very people who had the most power to set the record. So it was the version of Evelyn Waugh in *Vile Bodies*, of Douglas Goldring and later, of Ronald Blythe, that has coloured in Joynson-Hicks and confused the office with the man, and judged accordingly.

However that was to a large degree his own fault. While a more just perspective is urgently needed, Joynson-Hicks would doubtless prefer the insults of Waugh, Goldring, Blythe and later Roy Jenkins and Marek Kohn to their praise. He would consider them at best misguided and at worst dangerous. The problem is that, having no sense of his own shortcomings, he does not seem to have ever learned how to achieve more lasting change than mere suppression could accomplish. *The Well of Loneliness*, trite, ill-written book that it is, would never have become famous (and still be readily available) had it not been so clumsily suppressed. Nightclubs might have been encouraged to fizzle out with a more subtle approach that replaced fines with penal taxes. And it is possible that Russian propaganda films would not have been such an awkward problem with illegal exhibition and film society demonstrations had a less confrontational approach to class warfare been adopted in the 1920s.

Yet, despite this, Joynson-Hicks was largely successful in his aims. The nightclubs he so adamantly opposed quietly withered away, partly thanks to his efforts. *The Well of Loneliness*, although it is still published, never achieved mass circulation. The Lord Chamberlain’s office survived without challenge. The film censorship system was developed and, if not perfected, at least greatly enhanced. It should not be forgotten either, although he took no interest in it, that

the “Rolleston” system of narcotics control was introduced while he was Home Secretary – and that has often been hailed as a masterpiece of government policy. It was this very success that made him anathema – part of what a recent writer has described as a “belated victory” of the left-wing who fiercely contested all of these systems, yet were unable to force change even when their political wing was in government, in the writing of the literature so long after.<sup>64</sup>

What he did was controversial, and even given it was necessary, could have been achieved by other means. But to achieve it at all, as well as work on radical penal reform, regularize the female franchise, keep Communists under surveillance, and to survive five years of general acute turmoil and difficulty in this most troublesome of departments, rank as major achievements. It is a shame that his arrogance and insensitivity has obscured his record and have prevented these feats from being seen in their true context before now.

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<sup>64</sup> Martin Pugh, *We Danced All Night: A Social History of Britain between the wars* (London 2008) page vi.



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